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GOVERNMENT GAZETTE

BOLETIM OFICIAL

SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judicial Department

Notification

LD/2/13/N-1/68

In exercise of the powers conferred by clauses (5) and (28) of section 59 of the Prisons Act, 1894, in its application to the Union territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following Rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Prisons (Goa, Daman and Diu furlough and parole) Rules, 1968.

(2) They shall come into force on the 15th day of September, 1968.

Rules regulating the Grant of Furlough

2. **Sanctioning Authority.**—The Inspector-General of Prisons shall, subject to these rules, be competent to grant furlough to convicted prisoners as hereinafter mentioned.

3. **When prisoner may be granted furlough.**—(1) A prisoner, who is sentenced to imprisonment for a period exceeding one year but not exceeding five years, may be released on furlough for a period of two weeks at a time for every year of actual imprisonment undergone.

(2) A prisoner, who is sentenced to imprisonment for a period exceeding five years may be released on furlough for a period of two weeks at a time for

every two years of actual imprisonment undergone:

Provided that a prisoner sentenced to imprisonment for more than five years but not to imprisonment for life may be released on furlough every year instead of every two years during the last five years of his unexpired period of sentence:

Provided further that a prisoner sentenced to life imprisonment may be released on furlough every year instead of every two years after he completes seven years' actual imprisonment.

Note 1.—The period of imprisonment in this rule includes the sentence or sentences awarded in lieu of fine in case the amount of fine is not paid:

Provided that if fine is paid during the period of imprisonment and the total sentence thereby reduced to a term not exceeding 5 years, he shall thereafter be eligible for release every year in accordance with sub-rule (1) instead of every two years under sub-rule (2).

Note 2.—For the purposes of this rule, the period of imprisonment shall be computed as the total period for which a prisoner is sentenced even though one or more sentences be concurrent.

Note 3.—If at any time, a prisoner who could have been granted furlough is either not granted or is refused the same, the period for which he could have been granted the furlough shall not be carried forward but shall lapse.

Note 4.—The period of two weeks may be initially extended up to three weeks in the case of prisoners desiring to spend the furlough outside the Union territory of Goa, Daman and Diu.

Note 5.—An order sanctioning the release of a prisoner on furlough shall cease to be valid if not

given effect to within a period of two months of the date thereof.

4. When prisoners shall not be granted furlough. — The following categories of prisoners shall not be considered for release on furlough:—

(1) Habitual prisoners.

(2) Prisoners convicted of offences under sections 392 to 402 (both inclusive) of the Indian Penal Code.

(3) Prisoners whose release is not recommended by the Inspector General of Police on the ground of Public peace and tranquility.

(4) Prisoners who, in the opinion of the Superintendent of the Prison, show a tendency towards crime.

(5) Prisoners whose conduct is, in the opinion of the Superintendent of the Prison, not satisfactory enough.

(6) Prisoners convicted of offences of violence against person or property committed for political motives, unless the prior consent of the State Government to such release is obtained.

(7) A prisoner or class of prisoners in whose case the Government has directed that the prisoner shall not be released or that the case should be referred to it for orders.

(8) Prisoners who have at any time escaped or attempted to escape from lawful custody or have defaulted in any way in surrendering themselves at the appropriate time after release on parole or furlough.

5. Furlough not to be granted after return from parole. — Ordinarily furlough shall not be granted to a prisoner within a period of six months from the date of his return from parole.

6. Furlough not to be granted without surety. — A prisoner shall not be granted furlough unless he has a relative willing to receive him while on furlough and ready to enter into a surety bond in Form A appended to these rules for such amount as may be fixed by the Sanctioning Authority.

7. Prisoners to give personal bond before release on furlough. — Every prisoner desirous of release on furlough shall be required to give a personal bond of the required amount in Form B appended to these rules.

8. How applications for grant of furlough should be dealt with. — (1) Two months before a prisoner becomes eligible to be considered for release on furlough, the Superintendent of Prison shall inform the prisoner accordingly. If the prisoner desires to be considered for such release, he shall make an application (in duplicate) to the Inspector-General of Prisons through the Superintendent of Prison stating clearly the name and full address of the place where he desires to spend the furlough, the full name of the relative willing to receive him on furlough and prepared to execute the surety bond, and shall also state whether he is in a position to bear the expenses of the journey both ways or either way and, if not, the amount of expenses that may be required by him for such journey.

(2) On receipt of the application under sub-rule (1), the Superintendent of Prison shall, unless the prisoner is *prima facie* not entitled to release on furlough, forward it expeditiously to the Inspector General of Police Goa, Daman and Diu, with such remarks as he deems fit. A copy of this communication together with the prisoner's Nominal Roll shall be endorsed by the Superintendent of Prison to the Inspector-General of Prisons, and such endorsement shall *inter alia* state —

(a) the amount of money the prisoner has to his credit including the amount he may have earned in prison,

(b) the amount of money required for the journey both ways,

(c) the amount of security the Superintendent considers proper,

(d) the name of the village, taluka and district and the State in which the prisoner proposes to spend his furlough,

(e) the name of the District from which he hails,

(f) the name of the District in which he was convicted.

The Inspector General of Police Goa, Daman and Diu should be requested to furnish, along with his opinion the following information regarding the relatives of the prisoner with whom he intends to stay while on furlough:—

(a) Their relationship with the prisoner concerned.

(b) Whether such relatives are willing to keep the prisoner while on furlough.

(c) Whether they (*viz.*, relatives) are willing to enter into surety bond.

(3) The Inspector General of Police, Goa, Daman and Diu shall thereafter forward the application to the Inspector-General of Prisons together with his recommendations.

(4) The Inspector General of Police, Goa, Daman and Diu shall, before forwarding the application to the Inspector-General of Prisons, cause inquiries to be made regarding the prisoner's statement, if any, that he is not able to bear the expenses of the journey both ways or either way, as the case may be, and make recommendations accordingly.

(5) If furlough is not recommended, adequate reasons therefor shall be given.

(6) If on receipt of the application together with the recommendations under sub-rule (3), the Sanctioning Authority considers that furlough be granted, it shall make an order for the release of the prisoner on furlough on such conditions as may be specified in the order.

9. Fresh application for furlough. — A prisoner may, if he so desires, make a fresh application for furlough six months after the rejection of his previous application.

10. Conditions of release. — The Sanctioning Authority shall furlough to a prisoner subject to his executing a personal bond or giving cash security in Form C appended to these rules and also subject to a surety executing a bond, in Form A appended to

these rules, if so required. The release may further be subject to all or any of the following conditions:—

(1) that the said prisoner shall reside at Taluka in the District during the period of release on furlough and shall not go beyond the limits of the said District without the permission of the Inspector General of Police, Goa, Daman and Diu or such Officer as the Inspector General of Police, Goa, Daman and Diu appoint in this behalf,

(2) that the said prisoner shall be of good behaviour and shall not commit any offence punishable by or under any law in force in India,

(3) that the said prisoner shall not associate with bad characters or lead a dissolute life,

(4) that the said prisoner shall, in case he proposes to change his religion during the period of furlough, give a minimum of seven days' prior intimation to the said Inspector General of Police as also the Superintendent of the Prison from which he has been released, about such intention, and he shall also furnish them with information regarding the new religion and the new name, if any, which he proposes to adopt,

(5) that the said prisoner will surrender himself to the Superintendent of the Prison from which he was released on the expiry of the period of furlough,

* (6) that the said prisoner will report once a day to the Officer-in-charge () Police Station during the period of furlough,

or

that the said prisoner shall, immediately on arrival at the place mentioned in (1) above, report at the Police Station nearest to the said place, and thereafter.*

*To be inserted in appropriate cases and with such modifications as the Sanctioning Authority deems fit.

11. **Declaration before release.**— Before releasing a prisoner on furlough, a declaration as under shall be taken from him on the release order itself:—

"I hereby accept and agree to abide by the above conditions of the release order and I acknowledge that should I fail to fulfil these conditions or any portion of them, the Sanctioning Authority may revoke the order of release and forfeit the amount of security furnished by me, and I may be arrested by any Police Officer without warrant and remanded to undergo the unexpired portion of my sentence, and I further acknowledge that should I fail to fulfil these conditions or any portion of them, I am liable to be punished, on conviction, with imprisonment for a term which may extend to two years or which fine which may extend to Rs. 1,000, or with both".

12. **Prisoner ordinarily to bear journey expenses.**— When a prisoner released on furlough, the cost of his journey both ways shall be borne by the prisoner concerned:

Provided that, if in the opinion of the Sanctioning Authority, the Prisoner is not able to bear the ex-

penses of journey both ways or either way, as the case may be, the Sanctioning Authority may direct that the whole or any portion of such expenses be borne by the State Government.

13. **Extension of the period of furlough.**— Notwithstanding anything contained in the foregoing rules, the Sanctioning Authority may, on the application of a prisoner or otherwise, by an order in writing extend the period of furlough for such further period as may be specified in such order on the same conditions on which the prisoner was originally granted furlough or on such other conditions as the Sanctioning Authority may determine.

14. **Intimation of release and of non-surrender of Prisoner.**— (1) Whenever any prisoner is released on furlough an intimation of his release on furlough shall forthwith be given by the Superintendent of prison:—

- (i) to the Inspector General of Prisons,
- (ii) to the Inspector General of Police, Goa, Daman and Diu.

(2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of furlough, the Sanctioning Authority may, if it is satisfied that any of the conditions on which the furlough was granted has not been fulfilled, cancel its order granting such furlough. An intimation regarding such cancellation shall forthwith be given by the Superintendent of Prison to the Officer specified in clause (ii), and sub-rule (1). Upon such intimation, the police authorities may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence.

15. **Release order inoperative on a Prisoner's surrender to the prison authorities.**— As soon as a prisoner released on furlough surrenders himself to the prison authorities, his order of release shall become inoperative. Where, therefore, a prisoner who is released on furlough has applied for the extension of the period of furlough and before his application has been sanctioned surrenders himself to the prison authorities he shall not be released after such surrender without obtaining a fresh order from the Sanctioning Authority.

16. **Furlough to be counted as remission of sentence.**— The furlough period shall be counted as a remission of sentence:

Provided that where any furlough period has been extended under Note 4 below rule 3 or under rule 13, the period of extension shall not be counted as a remission of sentence.

17. **No legal right to furlough.**— Nothing in these rules shall be construed as conferring a legal right on a prisoner to claim release on furlough.

Rules regarding the Grant of Parole

18. **Authorities competent to sanction parole.**— The authority competent to sanction release of a convicted prisoner on parole (hereafter referred to as "the Competent Authority") shall be the Lieutenant Governor in the following cases:

- (a) prisoners convicted by Courts situated outside the Union territory of Goa, Daman and Diu,

(b) prisoners convicted by courts situated within the Union territory of Goa, Daman and Diu but confined in prisons situated outside the Union territory of Goa, Daman and Diu,

(c) prisoners convicted of political offences,

(d) any other case or class of cases wherein the State Government has directed that the case or specified class of cases be referred to it for orders.

19. When a prisoner may be released on parole. — A prisoner may be released on parole for such period as the Competent Authority referred to in rule 18 in its discretion may order, in cases of serious illness, or death of any member of the prisoner's family or of his nearest relatives or for any other sufficient cause.

20. Parole not to be counted as remission of sentence. — The period spent on parole shall not count as remission of the sentence.

21. Application for grant of parole. — A prisoner may be granted parole either on his own application or on an application made by his relatives or friends, or legal adviser.

22. Applications for parole how to be dealt with. —

(1) Any prisoner desiring to be released on parole shall ordinarily submit his application (in triplicate) in Form D appended to these rules to the Superintendent of Prison who shall endorse his remarks thereon and submit one copy direct to the Competent Authority along with the nominal roll of the prisoner and the other to the Inspector General of Police, Goa, Daman and Diu.

(2) The Inspector General of Police, Goa, Daman and Diu shall immediately make enquires to ascertain whether the ground or grounds on which parole is applied for is or are genuine and submit immediately his report to the Competent Authority mentioning *inter alia* whether it recommends the grant of parole and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

23. Enquiries may be made on receipt of application. — On receipt of an application for parole, the Competent Authority may make such enquiries as it considers necessary, and pass such orders as it considers fit. If the Competent Authority considers that there is no objection to release the prisoner concerned on parole it shall make an order for his release on parole.

24. Conditions subject to which prisoners may be granted parole. — The Competent Authority may grant parole to a prisoner subject to his executing a surety bond and a personal bond in Forms A and B respectively to observe all or any of the conditions mentioned therein and also subject to such other conditions, if any, as may be specified by the Competent Authority:

Provided that when prisoners convicted of serious offences are released on parole, a condition shall be included in the parole order directing or requiring the prisoner to report at the Police Station nearest to the place where he intends to spend his parole initially on his reaching such place and thereafter

once or twice a week at such intervals as may be considered expedient:

Provided further that when a prisoner applies for parole for the purpose of appearing at an examination he will not be eligible to be released on parole unless the Inspector-General of Prisons has passed an order permitting him to appear at such examination.

25. Extension of the period of parole. — The Competent Authority may, on the application of the prisoner or otherwise, by an order in writing, extend the period of parole for such further period or periods as may be specified in such order on the same conditions on which the prisoner was originally granted parole or on such other condition as the Competent Authority may determine.

26. Parole order ineffective on prisoner's surrender. — As soon as a prisoner released on parole surrenders to the Prison Authority, his original order of release will be inoperative. Where, therefore, a prisoner who is released on parole has applied for the extension of the period of parole and before his application has been sanctioned surrenders himself to the Prison authority, he shall not be released after such surrender without obtaining a fresh release order passed by the Competent Authority.

27. Intimation of release and of non-surrender of a prisoner. — (1) Whenever any prisoner is released on parole, an intimation of his release on parole shall forthwith be given by the Superintendent of Prison to the authority which granted him parole and copies thereof shall also be sent —

(i) to the Inspector-General of Prisons,

(ii) to the Inspector General of Police, Goa, Daman and Diu.

(2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of parole, the Competent Authority may, if it is satisfied that any of the conditions on which the parole was granted has not been fulfilled cancel its order granting such parole. An intimation regarding such cancellation shall forthwith be given by the Superintendent of Prison to the officers specified in clause (ii) of sub-rule (1). Upon such intimation, the police authority may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence.

28. Application of certain rules to parole cases. — The provisions of rules 8(5), 10, 11 and 12 shall *mutatis mutandis* apply in the case of release of prisoners on parole.

Miscellaneous

29. Form of order of release on furlough or parole. — Every order of release on furlough or parole shall be made in Form E.

30. Forms in general. — The Forms appended to these rules, with such variations as the circumstances of each case requires, may be used for the respective purposes therein mentioned, and if used, shall be sufficient.

31. Repeal. — The instructions contained in Government circular No. LD/62/66 dated 17th March, 1966 are hereby repealed.

FORM A
SURETY BOND
(See Rules 6, 10 and 24)

I, _____, inhabitant of _____, hereby declare myself surety for _____, prisoner No. _____, and give the guarantee that he shall duly observe the conditions of release on furlough/parole set out in Schedule* 'A' and shall appear himself before the Superintendent of _____ Prison at _____ on the expiration of the period of his release on furlough/parole and in case of his making default therein, I hereby bind myself to pay to the President of India, the sum of Rs. _____.

And I agree that the President of India may, without prejudice to any other rights or remedies of Government, recover from me the said sum as an arrear of land revenue.

And I agree that any extension of time given to prisoner will not discharge me from my liability to pay the said amount.

Dated this _____ day of _____ 196 _____

Signed by the above named Surety in the presence of:

1. _____
2. _____

Signature of the Surety.

*Schedule A.
(To be filled in)

*The conditions of release should be attached to this Bond as a schedule.

FORM B
PERSONAL BOND
(See Rules 7 and 24)

Whereas I (name) _____, inhabitant of (place) _____, have been sentenced to undergo imprisonment for the term of _____ years.

And whereas the Lieutenant Governor of Goa, Daman and Diu/Inspector General of Prisons, Goa Daman and Diu, has been pleased to release me on parole/furlough for the term of () and ending on () on condition of my executing a Personal Recognition Bond for my appearance on the following date viz., _____

I hereby agree, with and bind myself unto the President of India to abide by the conditions mentioned in the Schedule attached and further agree to appear and surrender myself before the Superintendent of _____ Prison at _____ on the following date viz., _____

and in case the period of parole/furlough is extended then on the date following the date of expiry of such extended period of parole/furlough and in case of my making default herein I bind myself to pay to the President of India a sum of Rs. _____ and I agree that the Government may, without prejudice to any other rights or remedies, recover the said sum from me as an arrear of land revenue.

Dated this _____ day of _____ 196 _____

Before me

Superintendent,
Prison.

Signature of the Prisoner.

Schedule
(To be filled in)

FORM C
BOND GIVING A CASH SECURITY
(See Rule 10)

Whereas I (name) _____, inhabitant of (place) _____, have been sentenced to undergo imprisonment for the term of _____ years.

And whereas the Lieutenant Governor of Goa, Daman and Diu/Inspector General of Prisons, Goa, Daman and Diu

has been pleased to release me on furlough/parole for the term of _____ and ending on _____, I hereby agree with and bind myself unto the President of India to abide by the conditions mentioned in the appended Schedule and further agree to appear and surrender myself to the Jail Authorities at _____ on the following date viz., _____ in case the period of furlough/parole is extended then on the date following the date of expiry of such extended period of furlough/parole and in case of my making default herein I bind myself to forfeit to the Government the sum of Rs. _____.

Dated this _____ day of _____ 196 _____

Before me.

Superintendent,
Prison.

Signature of the Prisoner.

Schedule
(To be filled in)

FORM D
FORM OF APPLICATION FOR RELEASE ON PAROLE
(See Rule 22)

To

The Inspector General of Prisons, Goa, Daman & Diu, Panaji.

Sir,

I (name of prisoner) _____, Prisoner No. _____, confined in _____ Prison hereby apply for parole for _____ days/Weeks, to go to my native place at (full address to be given here) _____ following reasons: —

Signed by the Prisoner
before me,

Signature of Prisoner.

Jailor, _____ Prison.

Date

The prisoner confirms that the facts stated by him are true. He is prepared for the action that may be taken against him if they prove to be false.

Superintendent,
_____ Prison.

IMMEDIATE

No. _____ of
_____ Prison Office,

Dated,

Forwarded to the Inspector General of Police, Goa, Daman and Diu Panaji

with a request to make immediate enquiries to ascertain if the ground or grounds on which parole is applied for is or are genuine and to submit his report immediately to the Inspector General of Prisons, Goa, Daman and Diu at Panaji, mentioning *inter alia* whether he recommends the grant of parole and, if so, for what period, and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

Superintendent,
_____ Prison.

Date
Place

FORM E
(See Rule 29)

Form of order of release on furlough/parole

No. _____ — In exercise of the powers conferred by rule 2/18 of the Prisons (Goa, Daman and Diu). Furlough and Parole) Rules, 1968, the Lieutenant Governor of Goa, Daman and Diu/Inspector General of Prisons, Goa, Daman and Diu hereby suspends for a period of _____ days with effect from the date of release on furlough/parole, the execution of

the sentence of imprisonment awarded to the prisoner
 (No.), subject to the following conditions,
 namely:—

(To be filled in)
 Signature.
 Designation.

Date
 Place

"I hereby accept and agree to abide by the above conditions of the order of release on furlough/parole and I acknowledge that should I fail to fulfil any of these conditions the Sanctioning Authority/Competent Authority may revoke the order of release and forfeit the amount of security furnished by me, and I may be arrested by any Police Officer without warrant and remanded to undergo the unexpired portion of my sentence; and I further acknowledge that should I fail to fulfil any of these conditions, I am liable to be punished, on conviction, with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000 or with both."

Dated the

Prisoner

Certified that the foregoing conditions were read over and explained to the prisoner and accepted by him in my presence.

Dated the

Superintendent,

Witness

Dated the

By order and in the name of Lt. Governor
 of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 9th August, 1968.

Notification

LD/2/13/N-2/68

In exercise of the powers conferred by clause (17), (27) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the Union territory of Goa, Daman and Diu and of all other powers enabling him in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Prisons (Admission, Classification and Separation of Prisoners) Rules, 1968.

(2) They shall come into force on the 15th day of September, 1968.

PART I

Admission of Prisoners

1. Admission of Prisoners. — (1) No new prisoner shall, subject to the provisions of rule 2, be admitted by a Gate-keeper into a prison before the opening of the jail and after the hour of its lock-up:

Provided that a prisoner, —

(a) on the special written order of a Session Judge or of a District Magistrate or the Superintendent, or

(b) on transfer after due intimation, shall be admitted into the prison after the hour of its lock-up.

(2) Prisoners who are admitted in the prison after the hour of its lock-up shall be kept in a cell used for the purpose.

2. Prisoners not to be admitted without warrants. — (1) No prisoner shall be admitted into any prison except according to the exigency of any writ, warrant or order signed by a competent authority. Before admitting a prisoner, the jailor shall question him and ascertain that his name and other particulars correspond with those entered in the writ, warrant or as the case may be, of the order.

(2) Undertrial prisoners shall be admitted into a prison on separate writs, warrants or orders, signed by a competent authority. On admission they shall be examined by the Medical Officer for marks of violence, if any. On their conviction or discharge, their warrants shall be retained in the prison office.

3. Search of newly admitted prisoners. — (1) A jailor shall invariably be present at the time of admission of new prisoners, and he shall see that the writs, warrants, orders and other papers are correct and according to the prescribed forms.

(2) All prisoners shall, subject to the following provisions, be thoroughly and carefully searched on their admission into a prison:—

(a) Class I prisoners shall be searched only in the presence of a jailor;

(b) Women prisoners shall be searched by a Matron and only in the presence of women.

(c) Civil prisoners shall not be searched in the presence of any other prisoner.

(3) On their admission into a prison, —

(a) in the case of prisoners sentenced to rigorous imprisonment, every article including clothing, money, jewellery and documents shall be taken from them, provided that where a prisoner is received late or after the hour of the lock-up of the prison, the clothing shall be left with him until next morning;

(b) in the case of prisoners sentenced to simple imprisonment and of undertrial prisoners, money, personal ornaments, papers and letters and other property excluding their private clothing, shall be taken from them; provided that undertrial prisoners may retain their beddings, if they so desire;

(c) in the case of civil prisoners dangerous weapons, articles likely to facilitate escape, drugs and immoral books shall be removed from them.

(4) All property taken from prisoners under sub-rule (3) shall be dealt with as may be provided for under the rules for the time being in force pertaining to prisoners' property and documents.

Note. — Prisoners may be allowed on request to the Superintendent to wear or use in the prison the sacred thread known as «Janwa» or «Janoi» or cloth known as «Sowla», or an undergarment known as «Sadra», and the thread known as «Kasti» or «Ling» wrapped in a piece of cloth or kept in a silver box suspended round the neck (provided it is capable of being examined against misuse), Scapulars, Rosaries, Comb, iron bangles and kirpan, 0.0371 metres in length, (worn by Sicks) and Kumku and bangles (for women prisoners).

4. Prisoners to wash themselves and their clothing soon after admission. — All prisoners (convicted as well as undertrials) shall, on their admission into a

prison, be made to wash themselves thoroughly and in case of prisoners received late after the hour of the lock-up of the prison, early next morning.

5. Prison authorities not to be responsible for any mistake in warrant.—All warrants shall be examined to ascertain whether they conform to the orders of the High Court. If a warrant is incorrect a copy of it may, in the case of minor irregularities, be sent to the officer who issued it, with a request that a revised one may be forwarded, and, on receipt of it, the incorrect warrant shall be returned to the Court. The receipt of a revised warrant shall be acknowledged by the jail authorities by special letter and until such letter is received, the prison authorities shall not be held responsible for any mistake that may occur, in consequence of the irregularity (if any) in the original warrant.

Note.—(1) A warrant ordering imprisonment without specifying whether it is to be simple or rigorous imprisonment and undated, unsigned or unsealed warrant shall be returned for correction.

Note.—(2) The amount of solitary confinement ordered on a warrant is dependent on the term of sentence and should not be more than is allowed under section 73 of the Indian Penal Code.

6. Registration of admission entries of prisoners in jail Registers.—(1) Every prisoner shall receive serial number corresponding with the entry relating to him to the admission register as in Form I, and this register number shall be his distinguishing mark whilst in the jail. The series shall run from 1 to 1000 in Central Jail and from 1 to 200 in the sub-Jails.

(2) The prisoner's number and the letter 'H' signifying his category, if he is classed as a 'habitual' criminal, shall invariably precede his name when he is referred to in any official communication.

Explanation.—Thus, Rup Ram, a 'habitual' criminal, would be described as 'prisoner No. 606-H, Rup Ram', while Bagh Khan, a non-habitual prisoner would be described as 'prisoner No. 666, Bagh Khan'.

(3) If a prisoner belongs to class I that class shall be indicated by placing his class after his name.

Explanation.—Thus, if Bagh Khan were class I prisoner, he shall be described as 'prisoner No. 662, Bagh Khan, I Class'.

(4) In descriptive rolls the father's name shall invariably be added. A prisoner's descriptive roll shall always be sent to the Inspector General of Prisons with any reference concerning him.

(5) In all registers and returns, the numbers and names of women prisoners shall be written in red ink.

(6) The names of en route prisoners, both convicted and undertrials, shall be entered in Admission Register as in Form I and Register of Undertrial Prisoners as in Form II of the prison in which they stop en route.

7. Recording of identification marks.—(1) For the purpose of identification, a full personal description of every prisoner, giving a general account of his physiognomy, complexion and habit of body, and a note of any special marks on his person shall be recorded in the admission register. If there is no

such record, the personal description shall be entered by the Medical Officer. Any police officer deputed to take a prisoner's finger impressions shall be allowed to do so.

(2) At least three identification marks shall be clearly and fully recorded in the case of each prisoner when he is first admitted. If the prisoner had originally come in as undertrial prisoner and was subsequently convicted, his description shall be copied from the Register of Undertrial Prisoners to the Admission Register.

(3) The description shall not be altered except by the Medical Officer for minor corrections and amplifications during the whole term the prisoner remains in prison. Every such correction shall be signed and dated by the Officer who makes it.

8. Procedure in case of prisoner's transfer to another prison.—If a prisoner is transferred from one prison to another, his description shall be recopied from the transfer papers into Admission Register at the receiving prison. On each occasion on which the description is copied into a document or into a Register, it shall be carefully checked by the Senior Jailor so as to prevent impersonations and the prisoner's register number, name, sentence, date of sentence, date of admission, date of release and number of convictions shall be endorsed on his warrant. A history ticket shall also be prepared for him.

9. State of every prisoner's education to be recorded.—The state of every prisoner's education shall be ascertained on admission, and shall be entered in the admission register, and history ticket of the prisoner concerned.

10. Recording of date, etc. in warrant on prisoner's admission into a prison.—The date of a prisoner's admission into a prison and the serial number given to him shall be endorsed on his warrant and signed by the Jailor. The warrants shall be arranged according to serial number. They shall be kept in a locked chest, the key of which shall be kept by the Jailor. In all prison records and documents both the name of the crime and the section of the Indian Penal Code, or other enactment shall invariably be given.

11. Verification of admission documents by Senior Jailor.—(1) As soon as possible after the procedure described in rules 7 and 15 has been completed, the prisoner shall be brought before the Senior Jailor who shall—

(i) examine the warrant and endorsement thereon, and initial them;

(ii) read out to the prisoner the list of his private property as recorded in Registers in Forms No. III, IV and V, and initial it if it is acknowledged correct, by the prisoner concerned.

(iii) verify correctness of the age and of identification marks as recorded on the warrant and Admission Register and examine all other entries in the latter register, and initial;

(iv) verify the entry in the release diary as in form VI and initial;

(v) examine all entries on the History Ticket particularly as regards previous convictions;

(vi) verify and ascertain from the prisoner concerned about the correctness of the entries regarding his past history recorded in the history ticket;

(vii) issue special orders regarding feters for security, transfer to a Borstal institution, and other matters as may be applicable to the case under the rules;

(viii) verify the entry made in history ticket about the submission of the appeal and initial it, if it is acknowledged as correct by the prisoner.

(2) Undertrial prisoners shall also be brought before the Senior Jailor who shall examine the admission entries made in Register of Undertrial Prisoners and satisfy himself that they are correct and put his dated initials in the columns prescribed for the purpose.

12. Prisoner to be produced before Superintendent within specified time. — A prisoner shall ordinarily be produced before the Superintendent within 10 days of his admission to a prison the Superintendent may endorse in the history ticket any special order regarding the treatment to be accorded to him.

13. Prisoners having influence in district to be transferred to another district. — The Superintendent shall require the jailor concerned to submit to the Inspector General the descriptive roll of any prisoner having influence in the district or who is a convicted jail official whose transfer to another district is expedient.

14. Checking of admission registers. — The Senior Jailor and the jailor in-charge of judicial work shall every day or at frequent intervals personally check each fresh entry in the Admission Register and shall see that for each entry therein a corresponding entry is made against the proper date in the Release Diary and that in the case of a prisoner to whom remission is granted or who is sentenced while in prison, the entry in the Release Diary is altered so as to indicate the date on which the prisoner is due for actual release.

15. Medical Examination. — (1) The Senior Jailor shall see that ever newly admitted convicted prisoner is brought on the day of his admission or within a week next after his admission, fully equipped according to rules for examination before the Medical Officer who shall examine him thoroughly and enter in the Health Register as in Form VII. —

(i) his weight (both actual and physical equivalent), height and state of health, and (in the case of prisoners sentenced to rigorous imprisonment) the class of labour for which the prisoner is fit, and any other observations that may be considered necessary. If a prisoner is not in good health or is not fit for hard labour the reason shall be clearly stated in the Health Register and also on the prisoner's History Ticket.

(ii) whether the prisoner has been vaccinated or has had small-pox;

(2) (i) The Medical shall send any sick prisoner to the hospital for treatment;

(ii) In case the Medical Officer has reason to think that a newly admitted woman prisoner is pregnant, he shall at once report the circumstances to the Superintendent for further action.

(iii) The Medical Officer shall specially examine undertrial prisoners on admission for recent marks of violence and report immediately the result of such examination to the Superintendent.

(3) If there is an observation ward for prisoners newly admitted into a prison, such prisoners shall be located in such observation ward until the Medical Officer directs that they shall be placed with other prisoners. If any epidemic is prevalent and accommodation for admission of new prisoners is provided outside the prison, such prisoners shall not be admitted within the prison till orders have been given by the Medical Officer for their admission.

(4) Newly admitted prisoners shall be provided with necessary bedding and protection from cold before they are sent inside to the yard or barrack for confinement.

16. Duties of Medical Officer. — (1) On receipt of report about the recent marks of violence from the Medical Officer, the Superintendent shall carefully record the same. The Superintendent shall, if the prisoner so desires (and in any case may at his discretion) transmit the same to the District Magistrate together with the prisoner's statement as to how the injuries were received.

(2) The Medical Officer shall scrutinise entries as made by Junior Medical Officer, if any, enter in Health Register the state of health of the prisoner, and decide the class of labour (hard, or other than hard) for which the prisoner is physically fit. The reason for classifying a prisoner as fit for labour other than hard shall be recoded on his History Ticket as well as in Health Register. If the prisoner appears sick, the Medical Officer shall direct his removal to the Prison Hospital or into quarantine and shall note in the remarks column anything abnormal in the prisoner's condition. When forming an opinion of the physical fitness for labour of a convict on his admission into prison, the Medical Officer shall take into account the convict's previous occupation, mode of life, health of the locality in which he has resided, abundance or scarcity of food in that district, the state of his muscles and limbs and any signs of constitutional or mental weakness. At the same time the Medical Officer shall not lose sight of the possible good effect of judicious exercise and suitable labour for prisoners of weak constitution.

Note. — The mere fact that a prisoner's weight is somewhat below the physical equivalent of his height is not in itself sufficient reason for classifying him as unfit for hard labour. The muscular development of such an individual must always be examined.

17. Vaccination of prisoners. — All convicted prisoners shall be vaccinated as early as practicable after their arrival in prison.

18. Placing of prisoners in quarantine. — (1) Convicted prisoners shall, on admission into a prison, be kept in quarantine for such period, being not less than ten days, as the Medical Officer may consider necessary in each case with due regard to the kinds of epidemic diseases, if any, which are prevalent at the time.

(2) A convicted prisoner who has already spent some time in the same prison as an undertrial prisoner and has had his ten days, quarantine period there may not be placed in quarantine again after conviction:

Provided that, unless the Medical Officer advises to the contrary, prisoners transferred from other pri-

sons may not be quarantined if they have been in such prisons for at least fourteen days.

19. Instructions to prisoners during period of quarantine.—(1) During the period of quarantine the prison staff (including the Medical Officer) shall explain to the prisoners the rules of prison discipline, or personal and communal hygiene, of their behaviour towards officers of the prison and towards other prisoners, the new outlook in regard to the treatment of prisoners, the concessions and liabilities of prisoners, and the necessity of utilising the period of his prison life in preparing himself for rehabilitation after his release.

(2) A History Form shall be filled in respect of all prisoners sentenced to a term of imprisonment (either simple or rigorous) of six months and above except hardened criminals who, in the Superintendent's opinion, are not likely to be benefitted by corrective treatment, after obtaining from the prisoner concerned the relevant information. In case the prisoner refuses to give any information the letter (R) shall be recorded in relevant column of the form.

(3) A copy of the abstract of rules relating to the conduct of prisoners in the language of the district, shall be hung up in every ward under the signature of the Superintendent.

20. Superintendent to provide suitable work to prisoners during period of quarantine.—The Superintendent shall provide suitable work for all prisoners during the period of quarantine.

21. Prisoners put in quarantine to be confined in cells.—Prisoners put in quarantine shall so far as is practicable be confined in cells and shall not be allowed to associate with other prisoners or amongst themselves.

22. Prisoners to be kept separate until certified by Medical Officer.—No prisoner shall be transferred from the quarantine to a circle or barrack without the approval of the Medical Officer. The prisoner shall be kept separate until certified by the Medical Officer as fit to be received among other prisoners.

PART II

Classification of Prisoners

1. Definitions.—In these rules, unless the context otherwise requires,—

(a) the expression 'habitual' shall have the same meaning as is assigned to it in rule 2 of the Goa, Daman and Diu Prisoners (Habituals and Hardened Criminals) Rules, 1968.

(b) 'non-habitual' means a prisoner other than an habitual;

(c) 'undertrial prisoner' means a person committed to a prison while charges against him are under judicial investigation.

2. Classification of undertrial prisoners.—(1) All undertrial prisoners shall be classified into two classes—'Class I' and 'Class II'.

(2) The Superintendent shall ordinarily place all undertrial prisoners in Class II:

Provided that, where any trial Court recommends that any undertrial prisoner may be placed in Class I having regard to his social status and education and the habit of life to which he is accustomed, the Super-

intendent shall place such undertrial prisoner provisionally in Class I and immediately thereafter forward the recommendation to the District Magistrate concerned for approval.

3. Classification of convicted prisoners.—(1) All convicted prisoners shall be classified into two classes,—'Class I' and 'Class II'.

(2) The Superintendent shall ordinarily place all convicted prisoners in Class II:

Provided that the State Government may *suo motu* or on the recommendation if any, made by the convicting court or any court superior thereto or on the recommendation of the Superintendent made under rule 4 and after making such inquiries (including inquiries of the Area Commander in the case of prisoners convicted by a Court Martial) as it may think fit, direct any convicted prisoner to be placed in Class I; and upon such direction the Superintendent shall place such prisoner in Class I.

Explanation.—For the purpose of this rule, a 'convicting court' includes a Court Martial or a court detaining a person in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1938.

4. Revision of classification of prisoners.—(1) The Superintendent may, at any time, forward to the State Government, his recommendations with reasons therefor, through the Inspector General, for revision of the classification of any undertrial or convicted prisoner.

(2) On receipt of the recommendations under sub-rule (1) or *suo motu*, the State Government may at any time revise the class in which any undertrial prisoner or convicted prisoner is placed.

5. Classification into habitual and non-habitual prisoners.—Subject to rule 2 of the Goa, Daman and Diu Prisoners (Habituals and Hardened Criminals) Rules, 1968, all convicted prisoners shall be classified as habituals or non-habituals.

PART III

Separation of Prisoners

1. Accommodation for class I Prisoners.—(1) As far as structural arrangements permit, Class I prisoners shall be provided with cellular accommodation. Where cellular accommodation is not possible, association barracks shall be used.

(2) Class I prisoners shall, as far as possible, be kept separate from Class II prisoners in separate yards provided for the purpose.

2. Confinement of civil prisoner.—Every civil prisoner shall be confined in a civil ward of prison and shall not be allowed to hold communication or be associated with criminal prisoners:

3. Undertrial prisoners.—Undertrial prisoners shall be accommodated in separate cells at night:

Provided that where cells are not available for all prisoners, adolescents and non-habitual prisoners shall be accommodated in cells first but these prisoners shall be kept separate from each other and from undertrial prisoners.

4. Separation of confessing undertrials.—Confessing undertrial prisoners shall, as far as practicable, be separated from other undertrial prisoners.

Where a cell is used for segregating a confessing undertrial prisoner he should be allowed the free use of the yard in front of the cell.

Explanation.—A confessing undertrial prisoner is one who is certified as such by a Magistrate.

5. Undertrial accused of heinous offences.—Where never practicable, undertrial prisoners who are accused of heinous offences shall not be confined with those who are accused of offences less heinous. Any undertrial prisoner who is accused of committing a crime in concert shall when a prison has separate compartments be kept separate from others concerned in the same case. Where there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but shall not be kept in solitary confinement.

6. Confinement of habitual prisoners.—(1) Every habitual criminal prisoner shall be confined in a special prison in which only habitual criminal prisoners are kept.

7. Prisoners convicted of rape etc.—Criminal prisoners convicted for committing rape, or unnatural offence, for kidnapping for the purposes of prostitution or for an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956, shall be kept separate in the prison from other prisoners and where structural arrangements permit, they shall invariably be lodged separate from other prisoners at night:

Provided that women prisoners sentenced to confinement in a cell shall be removed from their cells to an association barrack before lock-up.

8. Prisoners sentenced to simple and rigorous imprisonment.—(1) Wherever possible convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous imprisonment or life imprisonment.

(2) Such prisoners shall remain during the day time in the part of the prison assigned to them and shall not enter the labour yards or communicate with the labouring prisoners unless they elect to work, in which case they shall remain with the gang to which they are allotted.

(3) Habitual prisoners sentenced to simple imprisonment shall be kept separate from prisoners sen-

tenced rigorous imprisonments, unless they elect to work, in which case they may work with latter during the prescribed hours.

(4) Non-habitual prisoners sentenced to simple imprisonment shall also be kept separate from other non-habitual prisoners, but where there is no separate accommodation available for them they may be located with the latter.

9. Prisoners sentenced to death.—(1) A prisoner sentenced to death shall, from the date of his sentence, and without waiting for the sentence to be confirmed by the High Court, to be confined in some place or a cell, generally within the prison, apart from all other prisoners.

(2) Every such prisoner shall, in the morning after the opening of the prison and in the evening before it is closed, be searched in the presence of the Jailor in charge of the circle or yard concerned.

(3) Women prisoners under sentence of death shall be kept in the women's section of the prison and guarded by women officials.

10. Adolescent prisoners.—Adolescent prisoners confined in ordinary prisons shall be kept entirely separate from other prisoners both by day and night. Habitual adolescent prisoners shall be kept separate from non-habitual adolescent prisoners.

11. Prisoners suffering from insanity or contagious disease.—Prisoners under observation for insanity or suffering from contagious diseases shall be so isolated as the Medical Officer considers necessary.

12. Ex-military Prisoners.—Military prisoners sentenced for purely military offences shall, so far as it is possible, be kept entirely apart from ordinary convicted criminal prisoners.

13. Classification to be explained to prisoners.—The Superintendent or the Senior Jailor shall explain the class system to a prisoner on his admission and shall caution him that he shall be liable to punishment if he converses or communicates with any prisoner of a different class, or a prisoner confined in a section, yard or barrack other than that in which he is placed or confined, or if he is found in any part of the prison other than that in which he has been placed for work or sleeping.

FORM I

(See Rule 6)

Register showing the description of Convicted prisoners in the Prison/Jail during the year

	Class (22)			Furlough		
	Release	Date of Release	Date of surrender	Overstayal	Authority for release	Remarks
	1	2	3	4	5	6
1 Number	1st					
2 Name in full	2nd					
3 Nationality	3rd					
4 Religion	4th					
5 Age on sentence and height	5th					
6 Finger impression taken or not	6th					
7 Marks of Identification:	7th					
(Indelible Marks to be given here).	8th					
8 City or Village, Taluka and District	9th					
9 Home Address	10th					
10 Name and address of next of kin	11th					
11 Previous occupation	12th					
12 Able to read and write or illiterate						
13 Details of previous convictions:						

Sr. No. and date of offence	Offence	Length and nature of sentence	Sentencing authority
1	2	3	4

1st on
2nd on
3rd on
4th on

(23) Parole							
Release	Period	Total number of days	Date of release	Date of surrender	Over-stayal	Authority release	Remarks
1	2	3	4	5	6	7	8
1st							
2nd							
3rd							
4th							
5th							
6th							
7th							
8th							
9th							
10th							
11th							
12th							
13th							
14th							
15th							
16th							
17th							
18th							
19th							
20th							

14 Details of present conviction—

- (a) Section and Act under which convicted.
(b) Sentencing Authority ...
(c) Date of sentence ...
(d) Date of arrival in prison ...
(e) Nature of punishment (R.I./S.I.) ...
(f) Length of sentence ...
(g) Solitary confinement and dates on which it has been carried out.

(h) Fine or Sentence in default ...

15 Date on receipt of intimation of payment of fine from Magisterial authorities and amount.

(b) Date of receipt of fine by Jailor and amount.

16 Date of release on expiry of sentence and/or on expiry of sentence in default of payment of fine.

17 Date of release on part or full payment of fine.

18 Date and result of appeals ...

19 Date of A. B. and Result of A. B. ...

20 Due date of 14 year's report ...

21 Result of 14 years report ...

25 How disposed of (Date to be entered)—

- (i) Expiry of sentence ...
(ii) Payment of fine ...
(iii) Transfer to other prison ...
(iv) Bail ...
(v) Remission ...
(vi) Sickness or other grounds ...
(vii) Transfer to Mental Hospital ...
(viii) Escape ...
(ix) Execution ...
(x) Death ...
(xi) Appeal ...

26 Intended place of residence (to be entered when furnishing information to police about habituals).

27 Initials of — Clerk

Judicial Jailor
Senior Jailor
Superintendent.

(24) Modification in date of Release							
Date	Nature	Authority	Period	Modified date on release	Initials of		
					Clerk	Judicial jailor	Senior jailor

FORM No. II

FORM No. IV

Register of unconvicted criminal prisoners admitted to the prison during the year 196

Book No.

Register showing particulars of receipts and disposal of valuable articles and jewellery of convicted/unconvicted prisoners confined in the prison the year 196

1. Register No.
2. Name in full
3. Native place (City, Village, Taluka and District) and address of next kin
4. Occupation
5. Age
6. Height
7. Physical equivalent and weight on admission
8. Marks
9. Date of arrest
10. Date of admission to prison
11. Remarks of the M. O. about marks of beating or violence on the body of the prisoner, if any, at the time of admission
12. Health on admission
13. Offence of which accused
14. By whom committed for trial
15. Dates of remand
16. Date of final disposal
17. How disposed of
18. Remarks about escape, date, or the register number allotted on conviction
19. Initials of Sr. Jailor/Assistant Supdt./Superintendent on admission
- on disposal

Register Number	Date of admission	Name in full	Description of the article/jewellery	Estimated value of the article/jewellery	Signature or thumb impression of the prisoner	Initials of Senior Jailor
1	2	3	4	5	6	7

Initials of Superintendent	Date of disposal	How disposal	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer/release
8	9	10	11	12	13	14

FORM No. III

Book No.

Register showing particulars of private cash of convicted criminal prisoners confined in the prison during the year 196

Date	Name and Register No. of prisoner	Particulars of receipts	Amount	Date	Particulars of expenditure	Amount
1	2	3	4	5	6	7

Rs. P.

Rs. P.

FORM No. V

Register showing particulars of clothing of convicted and unconvicted criminal prisoners confined in prison during the year 196

Register Number	Name in full	Date of admission	Name and description of article	Estimated value	Date of release/transfer to other jail
1	2	3	4	5	6

Balance	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer or on release
8	9	10	11	12

Total

Opening balance as on

Date	Amount	Date	Amount
	Rs. P.		Rs. P.

1st April 19	...	1st April 196	...
1st April 19	...	1st April 196	...
1st April 19	...	1st April 196	...
1st April 19	...	1st April 196	...
1st April 19	...	1st April 196	...

How disposed of	Signature or thumb impression of the prisoner	Initials of Senior Jailor	Initials of Superintendent	Signature or thumb impression of the prisoner on transfer or on release
7	8	9	10	11

FORM No. VI

Release Diary day of 19 ..

Serial No.	Register Number	Name of convict with father's or husband's name (names of women to be entered in red ink)	Date of sentence	Period of sentence including fines i.e., such fines as have not been paid before admission into the prison
1	2	3	4	5

On admission vaccinated for small-pox or unprotected	Weight on discharge	State of health on discharge	Date of discharge	Gained, lost or stationary	Remarks (If a convict is disposed of otherwise than discharged, it should here be stated what became of the convict)	Medical Officer's Initials
8	9	10	11	12	13	14

On admission of convict or transfer of entry from another page initials of—	On transfer to another page of convict's name or certifying to the convict on proper date, initials of—	Amount paid to convict on release
Judicial Jailor	Senior Jailor	Wages
6	7	10
		Private cash
		11

Places to which convict has to travel to enable him to reach his home	Allowance (if any) granted	Articles of Jewellery handed over on release
By Rail (give name of station)	By Road (state number of miles)	Cost of lowest class ticket by railway train
12	13	14
		Subsistence allowance
		15
		16

Register Numbers of Prisoners due to surrender to Jail to-day	Remarks as to whether the prisoner surrendered or otherwise	Initial of Senior Jailor
17	18	19

FORM No. VII

Register of Prisoners showing particulars of health on their admission and discharge from the Prison/Jail for the year 19 ..

Serial No. as per Admission Register	Prisoner's Name	Age	Date of admission	State of health on admission	Class of Labour (Hard or other than hard)	Weight on admission
1	2	3	4	5	6	7

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 9th August, 1968.

Notification

LD/2/13/N-3/68

In exercise of the powers conferred by clauses (12) and (14) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the Union territory of Goa, Daman and Diu and of all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Prisons (Employment of Prisoners) Rules, 1968.

(2) They shall come into force on the 15th day of September, 1968.

2. Definitions. — In these rules, unless the context requires otherwise—

(a) "Labouring diet" means the scale of diet as for a prisoner engaged on labour.

(b) "Labouring prisoner" means a prisoner engaged on labour.

3. Classification of labour. — (1) All labour given to prisoners shall be classified either as hard or other than hard according to the amount of physical exertion required for performance of a fixed task, and the maximum tasks which shall be performed by any prisoner or any group of prisoners.

(2) There shall be no reduction on a general basis in a task without the sanction of the Inspector General.

4. Forms of labour. — The following forms of labour may be considered as hard, and the Superintendent shall determine, whether a particular labour is hard or otherwise, according to the nature of the work and the task exacted, that is to say,—

Earth digging.

Quarrying.

Raising water.

Hewing tree and cleaning firewood.

Extracting fibre by punding.

Road making.

Carrying or hauling loads.

Sawing wood.

Black-smithy.
 Out file work.
 Ploughing fields and other earth work.
 Scavenging.
 Heavy Textile work (Warping blanker and punja carpet making).
 Rope making, and coir industry.
 Heafy kitchen work.
 Bakery — Heavy tasks (kneading flour).
 Paper industry including printing — Heavy tasks.
 Carpentry — Heavy tasks.
 Leather work — Heavy tasks.
 Washerman — Heavy tasks.

5. Labour for Class I prisoners. — (1) Subject to the provision of sub-rule (2), work of the following category shall be allotted to Class I prisoners, but may be allotted also to suitable Class II prisoners, namely: —

Book-binding.
 Envelope making.
 Sewing.
 Cane-work.
 Carpentry.
 Painting and polishing.
 Clerical work (in selected cases only).
 Cot tape and ordinary weaving.
 Gardening (where possible).
 Spinning.
 Button making.

(2) No menial duties shall be allotted to class I prisoners.

6. Employment of simple imprisonment prisoner. — Subject to the provisions of section 36, a prisoner undergoing a sentence of simple imprisonment shall be given the benefit of remission and wages system as provided for under the Goa, Daman and Diu Prisons (Remission System) Rules 1965 and the Goa, Daman and Diu Prisons (Facilities to Prisoners) Rules, 1968 and be allowed labouring diet. No menial duties or duties of a degrading character shall be allotted to him.

7. Undertrial prisoner not to be employed. — Unless he so desires, no undertrial prisoner shall be allotted any work except that it shall be his duty to keep his bedding, clothing and yard, clean:

Provided that no such prisoner shall be allotted any work which is to be executed along with a convicted criminal prisoner or outside his yard.

8. Employment of civil prisoner. — Subject to the provisions of section 24, a civil prisoner may work or follow his own or any other trade or profession for his own benefit: provided that, the work (including gardening, if practicable) is approved by the Officer in charge of the civil prison, and does not entail any expense to Government. The product of gardening shall be at the disposal of the prisoner.

9. Prison Servants. — (1) Except with the sanction of the Inspector General, the number of prison servants (that is, cooks, sweepers and hospital attendants) shall not exceed 10 per cent. of the prison population.

(2) Except with the sanction of the Inspector General, the total number of convict officers shall be kept as low as possible, and shall not exceed 6 per

cent. in the case of convict overseers, and 5 per cent. in the case of right watchmen, of the prison population.

(3) It shall be the duty of the Superintendent to see, that the percentage of prison servants and convict officers or overseers is maintained, and that, no prisoner is employed for private work by any one except in accordance with these rules.

10. Assignment of work. — (1) All menial and other duties in a prison shall be assigned by the Work Assignment Committee formed under rule 14 to all labouring prisoners, regard being had to the history of each prisoner and the type of work he used to do, as a free citizen.

(2) No prisoner shall evade or attempt to evade any work, which may be allotted to him in accordance with these rules on the ground of its being onerous or disagreeable on any false pretext.

11. Assignment of conservancy work. — Conservancy work shall, as far as possible, be allotted to a prisoner who was carrying on that occupation immediately before his imprisonment:

Provided that conservancy work may be allotted to any other prisoner (not being a child or a minor) who volunteers for it, subject to the following conditions, namely: —

(a) a prisoner shall be employed only if his services are necessary for the purpose of the prison;

(b) the Senior Jailer shall keep a record of persons who have volunteered to do conservancy work, and the record shall be duly attested by the Superintendent;

(c) the prisoner shall not be allowed to do conservancy work in combination with any other employment;

(d) the Superintendent may at any time for reasons to be recorded in Form No. I discontinue the conservancy services volunteered by a prisoner.

12. Prisoner not be employed on clerical work. — No prisoner shall be employed to assist in the clerical work of a prison:

Provided that a prisoner, until he has completed one-fourth of the term of his sentence, and who is not guilty of forgery, fraud or criminal breach of trust, may, with the previous sanction of the Inspector General, be employed to write appeals of prisoners and to copy letters, reports, returns, statistical statements and rolls, in a verandah or gateway or other suitable place assigned for the purpose by the Superintendent. Any prisoner who is so employed shall not be allowed to enter the office for clerical work or to have access to warrants and any of the Jail Registers, and shall be under the constant supervision of a jail-guard while at work.

13. Employment of convict officers and adolescents. — (1) Convict officers employed in a prison for adolescents shall be carefully selected out of such adolescents who have shown exemplary conduct in a prison.

(2) In a prison, where there is a population of short term adolescents, elderly men of very good character shall be selected and appointed to be Convict Officers.

14. **Work Assignment Committee.**—(1) The Work Assignment Committee of a prison concerned shall consist of—

- (a) The Superintendent — Chairman.
- (b) The Assistant Superintendent, if any—Member
- (c) The Medical Officer — Member.

(2) The Committee shall meet once a week and examine all newly admitted prisoners sentenced to a term of imprisonment for six months and more and consider cases requiring change of work. The Chairman may allow the technical and agricultural personnel and jailors to attend the meetings of the Committee.

(3) Work once assigned shall not be changed, unless the reasons for such change are enquired into by the Committee, and found to be justified, and the decision of the Committee is recorded in the prisoner's history ticket:

Provided that, the Superintendent may, in exceptional cases to be recorded in writing, change the work assigned to a prisoner.

(4) Notwithstanding anything contained in these rules, a Senior Jailor, in consultation with the Medical Officer and under intimation to the Superintendent, shall assign work to a prisoner who is sentenced for a term of imprisonment which is less than six months.

15. **Watching conduct of prisoner after assignment of work.**—Where a prisoner sentenced to imprisonment for a term of one year or more is assigned any work his conduct of work shall be closely watched by the Jailor-in-charge and notes thereof made in his history-sheet (as in Form No. II) in the appropriate place; and for this purpose, he may secure information in addition to his own observation through his subordinates. The sheet of every prisoner shall be scrutinised by the Work Assignment Committee once in every three months to consider any change of work or treatment, if necessary.

16. **Incidents of assignment of work.**—A prisoner on being assigned work shall be allowed reasonable time to learn it, and if during this time, he shows due diligence and makes satisfactory progress, the Superintendent shall consider his case for the purposes of remission as provided for under the Goa, Daman and Diu prisons (Remission System) Rules, 1965; and for wages under the Goa, Daman and Diu Prisons (Facilities for Prisoners) Rules, 1968. In estimating a prisoner's progress, due allowance shall be made for the time necessary to enable a prisoner to learn his work and produce the full task having regard to the industry, difference in intelligence and physical strength.

17. **Inspector General to examine scales of tasks.**—The Inspector General shall examine, from time to time, the scales of tasks that prisoners produce and fix up standard scales of tasks for all industries and communicate the same to the Superintendent, who shall see that they are rigidly followed.

18. **Hours of employment.**—(1) Except in case of an emergency and by the order in writing of the Superintendent in Form No. I, no prisoner shall be employed on labour for more than nine hours in any one day.

(2) No work except menial and other necessary work, shall be done on Sundays and other prison holidays.

19. **Employment of prisoners under solitary confinement.**—A prisoner sentenced to solitary confinement by a criminal court shall be employed on suitable work and regulated task shall be exacted from him.

20. **Senior Jailor to see to proper distribution of work.**—(1) It shall be the duty of the Senior Jailor to see that prisoners are distributed for work properly and at the time fixed for the purpose, and shall occasionally check their number, supervise their work and see that they do the tasks allotted to them properly.

(2) He shall also see that the prisoners are not unduly exposed to rain and shall provide all possible protection for them while so working.

21. **Medical Officer to examine prisoners on extramural work.**—(1) The Medical Officer in charge of a prison hospital shall inspect every prisoner detailed for extramural work before he leaves the prison in the morning and after his return thereto for the purpose of satisfying himself that he is physically fit for the purpose of satisfying himself that he is physically fit for the work for which he has been selected and has not suffered therefrom.

(2) It shall also be the duty of the Medical Officer to see that the requisite medicines are distributed in the morning to those prisoner in the out-going gangs, who require them.

22. **Prisoners employed on blasting etc.**—Where prisoners are employed on blasting, well sinking excavating or other work of a dangerous character, every reasonable precaution shall be taken to a dangerous character, every reasonable precaution shall be taken to guard against accidents. In blasting operations, the firing of the charge shall be carried out by some responsible person; in excavation the sides shall be sloped or cut in steps, and in well-sinking the sides, if not sloped, shall be boarded to prevent them from falling in.

23. **Employment of prisoners on extramural work.**—(1) A prisoner whose term of unexpired sentence is not more than 12 months may be employed on extramural labour irrespective of the portion of sentence already undergone in prison.

(2) No prisoner sentenced to more than 18 months imprisonment shall be employed on extramural work until he has served at least one-third of his sentence.

(3) No prisoner who has more than two years of sentence to undergo shall be so employed without the sanction of the Inspector-General.

(4) No prisoner shall be passed out of the main Jail gate for extramural work without his register number and the name of the person responsible for his safe custody being recorded by the gate keeper.

(5) No convicted criminal prisoner shall be employed on extramural work whose previous history and conduct while in prison show that he is unfit for such employment or whose place of residence is doubtful or whose home is in the town or city where the prison is situated or is very near to it. A prisoner

convicted and sentenced under section 224 of the Indian Penal Code, 1860 shall on, no account, be employed on extramural work. A prisoner employed on extramural work shall be subject to the same discipline as when he is employed inside the prison:

Provided that, this rule shall not apply to prisoners employed in extramural camps selected in accordance with rules made by the Inspector General from time to time (with the prior approval of the State Government).

24. Gang of infirm prisoners. — In every prison there shall be formed a gang of infirm prisoners for whom a separate muster shall be kept. The gang shall consist of old and infirm persons physically unfit for hard labour, and prisoners discharged as convalescent from the hospital, who are to be employed on other than hard labour.

25. (1) The Superintendent shall establish such industries for the prisoners in his charge as are conducive to their rehabilitation, regard being had to the particular types of prisoners confined in the prison and the proper balancing of vocational training and production, (undue stress not being laid on the profitability of an industry). The Superintendent may, with the previous sanction of the State Government, also establish industries for the prisoners which are useful from the point of view of vocational training and rehabilitation, notwithstanding they yield no profit or are likely even to result in some loss.

(2) The Inspector General of Prisons shall submit to the State Government every year a report on the working of industries established under sub-rule (1), containing in particular a discussion on their working from the financial point of view and the extent to which they have helped in the rehabilitation of prisoners.

26. Fixing of selling price of articles. — The selling prices of articles manufactured in a prison shall be fixed on a par with the market prices of such articles, after taking into account the cost of raw materials, wages paid to prisoners, the expenditure on depreciation charges and the cost of technical staff. The percentage of charging expenditure on account of depreciation and cost of technical staff shall be fixed by the Superintendent with the previous sanction of the Inspector General.

27. Prisoners to be employed in works of repairs, etc. — Every article for prison use which the prisoners can manufacture for themselves shall as far as possible, be prepared by convict labour and may, with the sanction of the Inspector General be purchased from market.

28. Prisoners not to be employed for private work. — No prisoner shall be employed by the officers and the staff of prison for private work at their residence and in the gardens attached thereto.

29. Employment of prisoners on public works. — Employment of prisoners on public works and works undertaken by any local authority shall be governed by the following conditions, namely: —

(1) No convicted criminal prisoner shall be employed on any public work other than construction or alteration of a prison building or premises or repair-

ing roads, cleaning canals or similar work within a reasonable distance from the prison, if the Inspector General is satisfied that the prisoners shall be employed by the State Government in the Public Works Department or the Industries and Power Department and not hired out to private employers or contractors:

Provided that, the Inspector General may permit prisoners to be employed: —

- (i) by private contractors, if the work on which they are to be employed appertains to the prison, or
- (ii) by local authorities approved by the State Government in this behalf, on their undertaking that the prisoners will not be hired out to private employers or contractors.

(2) Notwithstanding anything contained in sub-rule (1), the State Government may permit employment of prisoners by private employers or contractors in respect of such class of work as it may specify.

30. Prisoners not to be employed with outside labourers. — No prisoner shall be employed in association with outside labourers, other than skilled workmen as Foremen or Instructors in public works or in other industries. No prisoner shall be allowed to go to a bazar for any purpose even with proper escort.

31. Guard on prisoner in employment. — A single Jail Guard shall not be in sole charge of one or more prisoners working outside a prison.

The guarding escort shall be as under: —

- (a) One Guard and one convict officer for every batch of not more than 10 prisoners.
- (b) If the number of prisoners is more than 10, the guard shall be one sepoy for each 10 prisoners or less and one Convict Officer for each batch of 20 prisoners or less.

Illustration

For 38 prisoners, the guard would be 4 Jail Guards and 2 Convict Officers.

(2) A batch of prisoners sentenced to a term not exceeding three months working outside the prison shall not consist of more than 20 prisoners.

The guarding escort shall be as under:

- (c) One sepoy and one Convict Officer for every batch of not more than 10 prisoners.
- (d) One additional Convict Officer for every batch of more than 10 prisoners.

Illustration

For 18 prisoners (below three months) the guard would be one guard and two Convicts Officers: Provided that, in the case of large convict working gangs, the Inspector General if he is of opinion that he can safely do so, allow one Jail guard to each 15 prisoners or less.

Explanation. — For the purposes of this rule and rule 32, the expression "outside the prison" includes any part of such appurtenant premises as are at a distance of 185 metres or more from the main entrance gate of the prison building.

32. Additional escort. — (1) Where prisoners are sent for work outside a prison with implements such as axes, crowbars, spades and other like implements which are likely to be used for any mischief, the Superintendent may detail one or more armed guards who shall be fully equipped, as additional escort for the Party.

(2) The Superintendent shall record his order for such additional escort in his Order Book. The names of the Guards so detailed shall also be recorded.

33. Prisoner on extramural work, if falls sick. — If a prisoner working in an extramural file falls ill, the whole file shall return to the prison with its escort. The sick prisoner shall then immediately be placed before the Medical Officer.

34. Strength of escort in extramural camps. — In extramural camps, when the prisoners are guarded by Jail Guards who are armed with breech-loaders, the strength of the escort will depend on the nature of the work. A Superintendent of such prison shall record in Form No. I the strength of the escort necessary, for the guidance of the Jailor.

FORM No. I

[Rules 11(d), 18 and 34)]

Prison for the year 196

Number and date	Orders of Superintendent	Reports of Jailor etc. on Superintendent's order
1	2	3

11. Is he a social or individualised criminal?

Is he an ordinary criminal or careerist or professional criminal or organised Criminal? Is his criminal act behaviour of the moment or eruptive behaviour?

12. Is his maladjustment at the surface level or at the deep emotional level?

13. His defects and weaknesses

14. His assets

15. Which are the favourable and unfavourable points for his rehabilitation?

16. Suggestions about reference to experts like psychiatrist, etc.

17. Indications about other sources from where information about the inmate's social background can be available. Suggestions about additional material to be collected.

Date on which the case history was prepared.

Prison

By order and in the name of Lt. Governor of the Union Territory of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 9th August, 1968.

Notification

Lu./2/13/N-4/68

In exercise of the powers conferred by clause (24) of section 59 of the Prisons Act, 1894 (IX of 1894) in its application to the Union territory of Goa, Daman and Diu and of all other powers enabling him in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Prisons (Petition and Appeal) Rules, 1968.

(2) They shall come into force on the 15th day of September, 1968.

2. **Petitions from prisoners.** — (1) Any convicted criminal prisoner may submit a petition to the Lt. Governor through the State Government for the grant of pardon, reprieves, respites or remission of punishment or to suspend, remit or commute the sentence passed against him.

(2) Such petition shall,

(i) be signed by the prisoner and attested by the Senior Jailor,

(ii) be accompanied by a nominal roll of the prisoner in Form I hereto, and

(iii) subject to the provisions of rule 5 be forwarded by the Superintendent with a covering letter addressed to the Secretary to the Government in the Law and Judiciary Department.

(3) The Superintendent shall also enter in the remarks column of the nominal roll any other fact

FORM No. II

(Rule 15)

History Sheet

1. Name of the prisoner ...
2. Number of the prisoner ...
3. Age ...
4. Sentence ...
5. Section ...
6. Habitual or casual ...
7. Criminal history and statement of the prisoner regarding present and previous crimes, if any.
8. **Social History** —
 - (a) Childhood ...
 - (b) Family history ...
 - (c) Health history ...
 - (d) Neighbourhood ...
 - (e) Educational background.
 - (f) Adolescence.
 - (g) Economic background
 - (h) Associations, companionship, etc.
 - (j) Habits, attitudes, etc.
9. Personality (general impression only).
10. Clues regarding sequence of criminal behaviour.

of importance bearing on the case, such as, whether the accomplices of the prisoner have been released, whether he is known to be a professional criminal.

(4) Petitions from two or more prisoners convicted at one and the same trial may be forwarded together under one covering letter and one nominal roll.

(5) The procedure laid down in this rule shall also apply to petitions addressed to the President of India or to the Registrar of the Supreme Court of India with this modification that where a petition is written in a regional language, it shall be accompanied by an extract or a precise in English.

(6) Communications from a prisoner addressed to the High Court or to the Supreme Court, pertaining to matters other than an appeal or application for revision shall, subject to the provisions of rule 5, be forwarded through the State Government.

(7) Any petition of appeal or application for revision addressed to the High Court or the Supreme Court shall, in accordance with the provisions of Rule 17, be forwarded direct to the Court concerned.

(8) A petition from a prisoner convicted by a Court in any other State or Union territory shall, in the first instance, be scrutinised by the Superintendent, and the Superintendent shall, where the redress sought for, or the subject matter of the petition, is not within the competence of the prison authorities or the State Government, forward it direct to the Government of such State or, as the case may be, the Central Government, irrespective of the authority or officer to whom it is addressed:

Provided that petitions requiring the opinion or views of the State Government shall be forwarded through the State Government.

(9) The Superintendent shall see that such communications as are to be forwarded through the State Government are forwarded with the least possible delay.

3. Petitions for remission of sentence or pardon on grounds of ill health.—Where a petition for remission of a sentence or for grant of pardon is made on grounds of bad health, old age or other infirmity of the prisoner, it shall be accompanied by a report of the Medical Officer, stating how far the grounds are true and his opinion as to the probability of the prisoner's life being seriously endangered by prolonged imprisonment, and whether his life is likely to be prolonged, if the prisoner is set at liberty.

4. Facility for preparation of petitions.—(1) Every facility, including supply of necessary writing material and assistance of a friend or counsel, shall be given to a prisoner for preparing a petition under rule 2.

(2) A convicted criminal prisoner may sign and submit as his own a petition drafted for him by his agent or friend provided he understands its contents, and the Senior Jailer shall see that such prisoner understands the gist of its contents before signing it.

(3) No petition shall be considered by the authority to whom it is addressed unless it is signed by the convicted criminal prisoner or bears his left

hand thumb impression and submitted through the Superintendent:

Provided that where a relative or friend of a convicted criminal prisoner wishes to make a petition under rule 2, such petition may be submitted direct to the State Government or through the Superintendent.

5. Petitions when not to be forwarded.—No petition shall be forwarded by the Superintendent,

(1) if it is couched in discourteous or offensive language,

(2) if it contains statements which the Superintendent knows to be untrue and which the prisoner refuses to amend, when the petition is returned to him for that purpose;

(3) if it proceeds only on a claim for consideration of a general application which has already been disposed of, or

(4) on any matter which is provided for in the rules.

6. Second petitions not to be entertained.—Where a petition addressed to the Lt. Governor or President has been once rejected, a second petition from the same prisoner on the same subject shall not be entertained by the Superintendent, except on the recommendation in writing of an official visitor made in the Visitors' Book.

7. Petition for mercy by convicted criminal prisoner sentenced to death.—(1) Immediately on receipt of warrant of execution consequent on the confirmation by the High Court of the sentence of death the Superintendent shall inform the convicted criminal prisoner concerned that if he wishes to appeal to the Supreme Court or to make an application for special leave to appeal to the Supreme Court under any of the relevant provisions of the Constitution, he should do so within the period prescribed in the Supreme Court Rules, 1966.

(2) On receipt of the intimation of the dismissal by the Supreme Court of the appeal or the application for special leave to appeal to it, lodged by or on behalf of the convicted criminal prisoner, in case the convicted criminal prisoner has made no previous petition for mercy, the Superintendent shall forthwith inform him that if he desires to submit a petition for mercy it should be submitted in writing within seven days from the date of such intimation.

Explanation.—In cases where no appeal to the Supreme Court or no application for special leave to appeal to it has been lodged by or on behalf of the convicted criminal prisoner, the said period of seven days shall be counted from the date next after the date on which the time allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to it, expires. On expiry of such time, if the convicted criminal prisoner has made no previous petition for mercy, it shall be the duty of the Superintendent to inform him, that if he desires to submit a petition for mercy, he should do so in writing within seven days from the date of such intimation.

8. Petition how to be forwarded.—If the convicted criminal prisoner submits a petition within the period of seven days prescribed in rule 7, it shall be

addressed to the Lt. Governor of the Union territory of Goa, Daman and Diu and the President of India. The Superintendent shall forthwith forward it by registered post A. D. to the Secretary to the State Government in the Law and Judiciary Department together with a covering letter reporting the date fixed for the execution, and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within 15 days from the date of the despatch of the petition, the Superintendent shall telegraph to the Secretary to the State Government drawing attention to the fact, but he shall in no case carry out the execution before the receipt of reply from the State Government.

9. Petition submitted after period prescribed.—

(1) Where a convicted criminal prisoner submits a petition after the period prescribed in rule 8, the Superintendent shall at once forward it to the State Government and at the same time telegraph the substance of it, requesting orders whether the execution may be postponed, and stating, that pending reply, the sentence shall not be carried out.

(2) If such petition is received by the Superintendent later than noon on the day preceding that fixed for the execution he shall at once forward it to the State Government and at the same time telegraph the substance of it, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.

10. Execution of sentence to be deferred under exceptional circumstances.— In the event of its coming to the knowledge of the Superintendent at any time before the execution of sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence he may, notwithstanding anything contained in the foregoing rules, report the circumstances by telegraph to the State Government and ask for its orders, and defer execution till they are received.

11. Acknowledgment of orders.— (1) The Superintendent shall at once repeat back to the Secretary to the State Government in the Law and Judiciary Department all telegrams communicating orders to him regarding petitions of mercy, by way of acknowledgment of their receipt.

(2) All acknowledgments whether by telegram or by express letters shall be addressed to the Secretary to the Government in the Law and Judiciary Department by designation and not by name.

(3) The words "Death Sentence" shall be inserted before the address in telegram and express letters relating to capital sentence.

12. Sentence not to be executed till appeal or application is dismissed.— Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court is received or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an

application for special leave to appeal to the Supreme Court:

Provided that if a petition for mercy has been submitted by or on behalf of the convicted criminal prisoner, execution of the sentence shall further be postponed pending the orders of the President thereon:

Provided further that if the sentence of death has been passed on more than one person in the same case and an appeal to a higher court or an application for special leave to appeal to the Supreme Court is lodged by or on behalf of, only one or more but not all such persons the execution of sentence shall be postponed in the case of all such persons.

13. Petition of appeals and applications of a judicial nature.— (1) Any convicted criminal prisoner lawfully entitled to submit a petition of appeal desires to do so, or desires to file any application of a judicial nature, whether for revision or otherwise, shall be granted every facility to submit such petition or application to the Court concerned, including the following facilities, that is to say:—

(a) an application by a prisoner for a copy of the judgment or order shall, at once, be forwarded to the Court by which the judgment or order was passed (and any application subsequently received from a prisoner who has been convicted at the same trial may not be forwarded unless the applicant wishes to have a copy for his personal use);

(b) a prisoner's friend or counsel shall be allowed to communicate with the prisoner for the purpose of assisting him in drawing the petition of appeal, or application;

(c) the Superintendent shall make the necessary arrangement for having the petition of appeal or application written out for a prisoner who cannot write or who has no friends or agents who can draw up the petition for him.

(2) A petition of appeal shall be accompanied by—
(a) a certified copy of the judgment or order appealed against,
(b) a copy of the Register of Petitions.

(3) An application for revision shall be accompanied by—
(a) a certified copy of the judgment or order sought to be revised;

(b) a certified copy of the judgment or order of the trial Court if the judgment sought to be revised happens to be a judgment or order passed by the lower Court in its appellate or revisional jurisdiction;

(c) a copy of the Register of Petitions.

(4) The Superintendent shall apply for necessary copies as required by sub-rules (2) and (3) and arrange for the submission of the petition of appeal or application within the prescribed time along with the necessary accompaniments.

(5) A petition of appeal or an application duly made by a prisoner shall be countersigned by the Superintendent, and subject to the provisions of sub-rule (4), forwarded without delay to the Court concerned with all the relevant documents.

(6) Before forwarding a prisoner's appeal or application, the Superintendent shall himself ascertain, after verifying the Register of Petitions and after

questioning the prisoner or obtaining information from the prison in which he was confined prior to his transfer to the prison in which he is confined at the time of the application, whether any appeal or application has previously been filed by the prisoner in the same matter either through the prison authorities or independently thereof (through some agent or lawyer acting on his behalf), and if he has made any such appeal or application; how it has been disposed of, and how the present appeal or application is competent. The Superintendent shall, after ascertaining these facts, make an endorsement to that effect on the petition of appeal or application in his own hand and record the result of the inquiry and shall also mention the number of the case on the Magistrates' file, if quoted on the warrant.

(7) Where a prisoner, whose petition of appeal or revision application is to be forwarded to the High Court or, as the case may be, to the Supreme Court, desires to be released on bail, a prayer to that effect shall be included in the memorandum of appeal or, as the case may be, in the revision application.

14. Presentation of petition of appeal or application by prisoner.—(1) A petition of appeal or application may be presented either to the Superintendent by the prisoner himself, or to the Court by his pleader.

(2) The appointment of a pleader shall be in writing, signed by the prisoner and attested by the Superintendent.

15. Superintendent not to accept petition of appeal or application, without certain documents.—(1) Except under circumstances mentioned in rule 16, no petition of appeal or application shall be accepted by the Superintendent unless in the case of appeals and applications for revision, it is accompanied by documents provided in sub-rule (2) or (3) of rule 13.

(2) In the case of petition of appeal of several prisoners convicted together at the same trial, the petition may be accompanied by a single copy of the judgment or order appealed against.

16. Reminder for copy of judgment.—Where a prisoner, under sentence of death has applied for a copy of the judgment or order, and for some reason, the delivery to him of the copy is delayed so that he cannot prepare his petition of appeal thereon and present it to the Superintendent within the period of seven days allowed to him by law, the Superintendent shall, on the seventh day after sentence, enquire of the prisoner whether he desires to submit a petition of appeal and shall forward to the High Court a simple statement of the reply given and signed by the prisoner, and a note thereon that a copy of the judgment or order had been applied for but it is not obtained in time. A note of prisoner's wish in regard to the appeal shall also be taken in his history ticket.

17. Petition for appeal or application for revision to High Court or Supreme Court how to be forwarded.

—(1) A petition of appeal or an application for revision addressed or purporting to be addressed to the High Court or a petition of appeal or special leave to appeal addressed to the Supreme Court of India, by a prisoner shall together with the accompanying documents, be forwarded in a sealed envelope by the Superintendent with the utmost expedi-

tion to the Registrar of the High Court, Goa, Daman and Diu, Panaji, or to the Registrar, Supreme Court of India, New Delhi, as the case may be. The Superintendent shall at the same time also forward a copy of such petition or application to the Inspector-General of Prisons.

(2) On receipt of intimation of the intention of a convicted criminal prisoner (whether under sentence of death or otherwise) to lodge an application for special leave to appeal to the Supreme Court of India, in accordance with the Supreme Court Rules, 1960, the Superintendent shall immediately report the fact by telegram to Government in the Law and Judiciary Department.

18. Reminder for intimating result of appeal.—(1) If the result of an appeal is not communicated within fifteen days, or, in the case of High Court or the Supreme Court, within one month of the date on which the appeal was submitted, the Superintendent shall send a reminder to the appellate Court or to the Registrar of the High Court, Goa, Daman and Diu, Panaji, enquiring about the result of the appeal, and shall, thereafter, repeat the enquiry at reasonable intervals.

(2) The result of the appeal when intimated shall be communicated to the prisoner, and the fact of such communication shall be certified on a writ which shall be attached to the prisoner's warrant, and reported to the Court concerned.

FORM I

[See rule 2(2)(ii).]

Nominal roll of a prisoner who has submitted a petition to Government

Prisoner's Register Number	Name of Prisoner Occupation and Residence	Crime and Section of Indian Penal Code under which convicted	Sentence	Date of sentence	Adjudicating Court	Appellate Court and Result of Appeal
Age at the time of sentence	State of Health	Conduct in Prison	Number of previous Convictions, if any	Number and Date of Orders of Government if any	Details of the remissions granted	Remarks

Superintendent,

Prison.

By order and in the name of Lt. Governor of
Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 9th August, 1968.

Notification

LD/2/13/N-5/68

In exercise of the powers conferred by clause (1), (6), (10), (13) and (28) of Section 59 of the Prisons Act 1894 (IX of 1894), in its application to the Union territory of Goa, Daman and Diu and of all other powers enabling him in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. Short title and commencement. — (1) These rules may be called the Goa, Daman and Diu Prisons (Discipline) Rules, 1968.

(2) They shall come into force on the 15th day of September, 1968.

2. Maintenance of discipline. — It shall be the duty of all executive officers and the guarding establishment to maintain discipline and order amongst prisoners.

3. Applicability of rules during quarantine. — During the period of quarantine, the rules regarding rewards for good behaviour and punishments for breach of prison discipline shall be explained to the prisoners by the Senior Jailor or other Jailors to whom the work has been specially assigned by the Superintendent and the prisoners shall be warned that all money or, articles (other than those permitted by the prison authorities) found in their possession shall be forfeited.

4. Senior Jailor to take care of clothing etc. — The Senior Jailor shall take care that the prisoners' clothing is in proper repair, that their hair is kept properly cut according to the rules, and that their washing, shaving and bathing is satisfactorily attended to.

5. Discipline and custody of women prisoners. — (1) It shall be the duty of the Woman Jailor or Matron to maintain discipline in the Women's section of the prison. She shall take care that no woman prisoner leaves the women's section of the prison unless accompanied by a duly authorised officer of the prison. As far as possible a matron shall accompany the women prisoners, but if male jail guards are required to accompany them, not less than two guards shall accompany them.

(2) No woman prisoner shall be removed from the women's section of the prison, except with the special permission of the Superintendent and for the purpose of interview, release, or transfer.

(3) No male prisoners shall be allowed to enter a women's section of the prison on any account. All menial duties connected therewith shall ordinary by carried out by women prisoners and all refuse matter shall be placed at stated hours outside the women's section of the prison for being carried away by male prisoners. In prisons where women prisoners are not prepared or who cannot be compelled to do conservancy work, that work may be performed by male convicts under the supervision of a jail guard, in the presence of the Matron.

(4) Women prisoners shall not ordinarily be taken out of the women's section of the prison for the purpose of —

(i) verifying their property,

(ii) communicating the results of appeals made, if any, or

(iii) reading their letters.

6. No male officer to enter women prisoners enclosure. — No male officer including a Superintendent and Assistant Superintendent shall, on any pretext, enter the women's section of the prison without the woman Jailor or Matron and the two shall not separate whilst in the section. Should it be necessary to enter the women's section of the prison at night, the officer on duty and one or more jail guard shall enter the section, when the woman Jailor or a Matron shall be summoned to accompany them if she is not present in the prison. Jail guard acting as escort to any official visitor shall remain outside the women's section of the prison while it is being inspected.

7. Register of visits to be maintained. — (1) There shall be maintained a register at the gate of women's prisons or women's section of a prison. Whenever any woman prisoner is taken out of the prison or women's section of a prison, an entry shall be made in this register giving the name and number of the woman prisoner, the purpose for which, and the time when she was taken out and when she was brought back to the prison or section.

(2) Whenever any male officer or visitor enters the women's prison or the women's section of the prison, an entry indicating the name of the officer or the visitor and the day and time of such visit shall also be made in the register.

8. Enforcement of discipline. — Discipline shall be strictly enforced in the case of prisoners and no subordinate officer shall hold any communication with a prisoner further than is requisite to enforce obedience to the prison rules and for the performance of his duty, and shall not be allowed to talk of any official matter whatever in the hearing of a prisoner.

9. Movement of prisoners. — All movements of prisoners shall be conducted in an orderly and regular manner under strict control.

10. Inspector-General of Prison to issue instructions. — The Inspector-General of Prisons may, in his discretion, from time to time, issue detailed directions as to the manner in which the order, discipline and control, prescribed in these rules, shall be maintained.

11. Parade of prisoners. — Whenever prisoners are marched from one part of the prison to another, or are sitting or standing in gangs, except when actually taking meals or at work, or when paraded for inspection, they shall be arranged in files of pairs, and shall rise, move forward, stop or sit down at the word of command or signal. This method shall be followed in carrying out parades. At the parades the signal shall usually be the stroke of a bell or gong. At Central Prison the parades may be carried out simultaneously in all divisions by signal from the Central tower or some central place. Whenever the Jailor or any officer of rank superior to him visits or passes a gang of prisoners, the prisoners shall obey the word of command as follows:—

"EK": To stop work or marching, if so engaged, and stand at attention.

"DO": To resume work, continue marching, or sit. The Command will be given by the officer in charge of the gang.

For Class I prisoners the corresponding words of command shall be "Attention" and "As you were".

12. Prisoners how to behave etc.—(1) Strict silence shall be maintained at all times except when any enquiry or instructions relating to work are necessary and there shall be no talking, singing, or quarrelling in the wards at night:

Provided that prisoners undergoing simple imprisonment may converse together in their ward or place in a quiet and orderly manner except at parades, at exercise time and at night.

(2) No prisoner shall be allowed to leave his bed for any purpose without first obtaining the permission of the watchman. No prisoner shall sit or lie on any other prisoner's bed.

13. Duties of prisoners. — Prisoners shall —

(a) obey the orders of all officers of prison staff (including clerks, medical and technical staff) and convict officers;

(b) remain strictly with their gangs and within the part of the jail in which they are confined, unless ordered by proper authority to leave it, keep in file when not at work, and strictly carry out the regular parades;

(c) abstain from talking when at file or at unlocking or at latrine, bathing or other parades, or at any time when ordered by an officer of the prison to desist; also abstain from abuse, singing, quarrelling, loud laughing, loud talking and indecent behaviour at any time;

(d) nor hold any communication with outsiders, women, civil or undertrial prisoners or prisoners of a different class from their own or with the guards beyond what is absolutely necessary;

(e) not receive or possess ganja or other drugs or money or jewellery, or any article of food or clothing prohibited by the rules; or books, papers, or writing materials of any description unless specially authorised by the Superintendent or Jailor, or rope or any knife, or other implement (except during working hours and when the implement is required for their work), and, where they find any of these articles or know of any other prisoner having any such article, report the matter to the Jailor or Warden;

(f) report any plot or conspiracy, and any attempt to escape or preparation for an escape, or for an attack upon any prisoner or officer of prison;

(g) help the officers of prison in case of any attack upon them;

(h) keep their clothes, blankets, beddings, fetters, and utensils clean and in proper order;

(i) keep their persons clean;

(j) perform their allotted tasks willingly and carefully and take proper care of any property of Government entrusted to them for the purpose;

(k) be orderly in their behaviour; march two and two when they move about the prison,

when addressing or addressed by an officer of the prison or visitor, stand at attention with their hands down, and salute when ordered;

(l) not remove provisions from the cook room or feeding platforms without authority, or conceal any article of food in the wards or cells;

(m) not remove any unconsumed food from the place where the meal is taken;

(n) keep to the bed, the ward, the yard, and the seat at meals or at work which have been assigned to them;

(o) not loiter about the yards or in the wards after the doors have been opened, or bathe or visit the latrine out of hours;

(p) not commit any nuisance or make water in any part of the prison which has not been assigned for that purpose, or dirty or injure any part of the prison or any article in the prison in any way;

(q) show respect to all officers not strike, assault or threaten any officer or any prisoner;

(r) not gamble or barter or play any game (unless specially permitted by the Superintendent) within the prison; nor keep animals, birds or other pets;

(s) wear the clothing given to them and not exchange it or any part of their prison kit for that of any other prisoner.

Note. — All privileges such as interviews, letters, and facilities for reading, shall be contingent on the good behaviour of a prisoner in the prison and the Superintendent may withdraw or postpone privileges of an individual prisoner for unsatisfactory conduct.

14. Prisoner not to leave work for making representation. — No prisoner shall leave his work or his line to make any representation to the Superintendent or Jailor. The Jailor shall, at least once during the day, visit all the prisoners and give them an opportunity of making representations and complaints on any urgent matter such as appeals, assault or ill-treatment. Any prisoner wishing to appeal or making such a complaint shall be brought before the Superintendent by the Jailor.

15. Concession regarding shaving etc., to prisoners. — (1) (a) Class I prisoners shall be allowed the concession of shaving themselves with their own safety razors and other shaving materials except mirror. The mirror shall be provided at Government cost. It shall not be more than 0.230×0.300 meters in size and shall be fixed to a wall a frame so as not to be readily moveable.

(b) Class I prisoners shall, if they so desire, be allowed to utilise the services of a prison barber for shaving or clipping at Government cost once a week and those who wish to do this oftener or to have their hairs fashionably cut may be allowed to do so at their cost if a convict barber knowing the art of such hair cut is available.

(2) Class II prisoners whether undergoing rigorous or simple imprisonment and criminal prisoners shall not be allowed the concession of shaving themselves but the services of a convict barber shall be utilised for this purpose. Shaving or clipping shall be done at Government cost, once a week. Prisoners who wish to do this oftener or to have their hairs fashionably cut may be allowed to do so at their

cost if a convict barber knowing the art of such hair cut is available.

(3) Soap for shaving prisoners and brushes for lathering purposes may be provided at Government cost.

(4) No male prisoner except a Sikh shall be allowed to wear his hair unduly long. Hindus shall, however, be allowed to maintain a Shendi and Muslims a beard of reasonable length.

16. **Cutting of hair of women prisoners etc.** — The hair of a woman prisoner shall not be cut except when the Medical Officer deems it indispensable on the ground of health or cleanliness. Widows who when admitted have their heads shaved on account of widowhood may have them shaved again should they so desire.

17. **Articles prohibited in prison.** — No person shall except in accordance with these rules and with permission of the Inspector General of Prisons the Superintendent, the Assistant Superintendent, the Jailor or the Medical Officer, introduce or remove or attempt to introduce or remove into or out of a prison or supply or attempt to supply to a prisoner outside the limits of a prison any of the following articles: —

- (1) Alcohol and spirits of every description;
- (2) Bhang, Ganja, Opium and other intoxicant;
- (3) Betel nuts and leaves;
- (4) Bank notes and cash;
- (5) Bambus, ladders, clubs, sticks and any implements capable of being used to assist in the escape of a prisoner or as implements for causing hurt;
- (6) Books;
- (7) Clothing;
- (8) Food, fruit, sweets, condiments;
- (9) Anything whatever for eating and drinking;
- (10) Fire arms, explosive materials, weapons, knives and cutting implements of every kind;
- (11) Matches and materials for producing fire;
- (12) Gold, silver copper or any metal in any form;
- (13) Letters, and writing materials of every description;
- (14) Playing cards or other implements for gambling;
- (15) Postage stamps;
- (16) Rope string or anything capable of being used to facilitate escape;
- (17) Snuff;
- (18) Tobacco and appliances for smoking it;
- (19) Any other article deemed to be a prohibited article under rule 17.

18. **Other articles prohibited in prison.** — Every article, of whatever description, shall be deemed to

be a prohibited article within the meaning of section 42 and clause (12) of section 45 in the case of —

(1) a prisoner — if introduced into or removed from any prison, or received, possessed or transferred by such prisoner, and such article —

(a) had not been issued for his personal use from prison stores or supplies, under proper authority,

(b) had been so issued, is possessed or used at a time or place other than such as is authorised, or

(c) had not been placed in his possession for introduction, removal or use, as the case may be, by proper authority;

(2) an officer of prison — if introduced into or removed from any prison, or supplied to any prisoner, and such article —

(a) has not been issued or sanctioned, for his personal use by proper authority,

(b) is not an article of clothing necessary for his personal wear, or

(c) has not been placed in his possession by proper authority for introduction into, or removal from, prison or for the purpose of being supplied to any prisoner;

(3) a visitor — if introduced into or removed from any prison or supplied to any prisoner, and such article —

(a) is not required for his personal use while within the prison and has not been declared by him before entering the prison and the introduction into, or removal from, the prison or possession of which while in the prison has not been permitted by proper authority;

(b) is introduced, with or without authority, and is not retained in his possession until he has left the prison premises.

(c) comes into his possession while within the prison and is subsequently removed by him from the prison;

(4) any other person — if introduced into, or removed, from the prison or supplied to any prisoner, whether within or without the prison.

19. **Acts constituting prison offences.** — The following acts shall constitute prison offences within the meaning of section 45, and whoever wilfully commits any of the said acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence namely: —

(1) talking when ordered by an officer of the prison to desist, singing, loud laughter and loud talking;

(2) quarrelling with any other prisoner;

(3) secreting any article whatever;

(4) showing disrespect to any prison officer or visitor;

(5) making groundless complaints;

(6) answering untruthfully any question put by any officer or a visitor;

(7) holding any communication (in writing, by word of mouth, or otherwise) with an outsider, with

a prisoner of the opposite sex, civil or undertrial prisoner, or a prisoner of a different class, in disobedience of the regulations of the prison;

(8) abetting the commission of any prison offence;

(9) omitting to assist in the maintenance of discipline by reporting any prison offence or to give assistance to an officer of the prison when called upon to do so;

(10) doing any act or using any language calculated to wound or offended the feelings and prejudices of a fellow prisoner;

(11) doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison;

(12) leaving without permission of an officer of the prison, the gang to which he is attached or the part of the prison in which he is confined;

(13) leaving without permission of an officer of the prison the building, the yard, the place in file, the seat or the berth assigned to him;

(14) loitering about the yards, or lingering in the barrack when these are open;

(15) omitting or refusing to march in file when moving about the prison;

(16) visiting the latrines or bathing platforms except at stated hours or without permission of an officer of the prison, or resorting unnecessarily to the night latrine or omitting or refusing to employ dry earth in the manner directed by the prison regulations;

(17) refusing to eat food or the food prescribed by the prison diet scale;

(18) eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners;

(19) removing, without permission of an officer of the prison, food from the cook-room, or disobeying any order as to the issue and distribution of foods and drink;

(20) wilfully destroying food, or throwing it away without orders;

(21) introducing into food or drink anything likely to render it unpalatable or unwholesome;

(22) omitting or refusing to wear the clothing given to him, or exchanging, any portion of it for the clothing of other prisoners, or losing discarding, damaging or altering any part of it;

(23) removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person;

(24) omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails;

(25) omitting or refusing to keep clear his clothing, blankets, bedding, fetters, aluminium cups or platters or any other utensils or body ticket, or other identification token, or disobeying any order as to the arrangements or disposition of such articles;

(26) tempering in any way with prison locks, lamps or lights or other property with which he has no concern;

(27) stealing the prison clothing or any part of the prison kit of any other prisoner;

(28) committing a nuisance in any part of the prison;

(29) spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison;

(30) wilfully befouling the walls, latrines, washing or bathing places;

(31) damaging the trees and vegetables in the prison garden or maltreating the prison cattle;

(32) omitting or refusing to take due care of the prison property entrusted to him;

(33) omitting or refusing to take due care of or injuring, destroying or misappropriating the materials and implements entrusted to him for work;

(34) omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implement;

(35) manufacturing any article without the knowledge or permission of an officer of the prison;

(36) performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task;

(37) appropriating any foreign substance to the materials by another prisoner;

(38) mixing or adding any foreign substance to the materials issued for work;

(39) doing or omitting to do any act with intent to cause to himself, any illness, injury or disability;

(40) causing or omitting to assist in suppressing violence or insubordination of any kind;

(41) taking part in any attack upon any prisoner or officer of the prison;

(42) omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner;

(43) disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed, by or under these rules.

20. Rules to apply to prisoner under sentence of simple imprisonment. — Prisoners undergoing a sentence of simple imprisonment shall observe all prison rules regarding order, cleanliness and sanitation and shall be liable to the same punishment as other prisoners for breaches of order and discipline.

21. Military prisoners not to wear uniforms. — Military prisoners sentenced to simple imprisonment shall on no account be permitted to wear military uniform while in prison. If such a prisoner has no clothing in his possession other than his uniform, he shall be provided with prison clothing without the regulation stripes.

22. Custody of undertrial prisoner. — The custody of an undertrial prisoner shall be made as little irksome to him as possible. No restraint beyond what is absolutely necessary to prevent escape or unauthorised communication with persons either within or without the prison shall be imposed.

23. Facilities to undertrial prisoners. — Undertrial prisoners shall be allowed exercise during the day and shall be required to keep their clothing, person, ward or cell and yard clean and shall conform to prison rules. Those who have tampered with the rules for the good order and management of the prison may be refused any of the privileges allowed by rules, the fact being noted by the Superintendent in Register No. 12. They may also be punished in the same way as convicted criminal prisoners.

24. Relaxation in discipline on grounds of sickness. — Whenever the Medical officer shall have reason to believe that either the mind or the body of a prisoner is likely to be injuriously affected by any part of the discipline or treatment given in the prison, he shall, after careful scrutiny, report the case in writing, to the Superintendent, accompanied by such suggestions as he may think the case requires. The Superintendent, shall thereupon, in regard to such prisoner alter or suspend the discipline and regulate the prisoner's work accordingly.

25. Appointment of place for assembly of guard in event of disturbances. — In every prison a particular place shall be appointed where the guard will assemble for the purpose of quelling any disturbance which may occur.

26. Steps to be taken in case of disturbances in prisons. — On receipt of news of a serious outbreak or disturbances amongst the prisoners, the senior most Jail Officer present shall cause the bell at the main gate to be violently rung, and it shall then be the duty of every officer of the prison who is outside the prison to proceed at once to the appointed place under rule 25 and arm himself under the orders of such senior most jail officer, who shall despatch a messenger to the Superintendent and Senior Jailor, if they are absent, and to the sepoy's lines to summon every available man.

Note. — The alarm should not be raised for minor troubles.

27. Prisoners to resort to places of security. — It shall be the duty of every prisoner, immediately upon the alarm being given, to run at once to places of security, usually the nearest barrack to be signified by the seniormost guarding official present where they shall, as far as possible, be locked in by the guard inside the prison. Prisoners shall be warned that neglect of this rule shall render them liable to be treated as participating in the outbreak and fired on, if necessary.

28. Prisoners outside prison to be collected and halted. — Prisoners who are outside the prison, when the alarm is sounded, shall be at once collected and halted under guard of their escort until the disturbance is over, and they shall be made to sit down close together.

29. Action to be taken by armed guards. — The armed guards shall at the same time load and fix bayonets, but shall not act until the arrival of the Superintendent or Senior Jailor unless to rescue or to save the life of any of the officers of the prison against whom the prisoners are actually committing violence, or to drive back the prisoners in the event of their attempting to force open the gate or to scale the walls.

30. Action when officer is assaulted. — Where the prisoners actually assault officers of the prison or attempt to break out of any ward or yard and the officer considers that it would be dangerous to delay until the arrival of the other officers of the prison, that officer will dispatch a party to the spot with orders to rescue the officer and prevent the prisoners from breaking out. The officer on arriving at the scene of disturbance, shall give notice to the prisoners in a loud tone, that, if they do not immediately surrender, they will be fired upon. This warning shall, if circumstances admit of delay, be repeated twice, and if there appears no other means of quelling the disturbance, the officer shall direct his men to open fire upon the refractory prisoners, which he shall stop the moment they fly or surrender. On the arrival of the Superintendent, the Senior Jailor or the Superintendent of Police, the guard will act under their orders.

31. Use of sword, etc., against prisoners engaged in outbreak or disturbance. — Any officer of the prison may use a sword, bayonet, firearm or any other weapon on any prisoner, engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison or against any prisoner or using violence to any officer of the prison or other person:

Provided that such officer has reasonable ground to believe that officer of the prison or other person is in danger of life or limb, or that grievous hurt is likely to be caused to him. The use of weapon may be continued only till such time as the combined outbreak or attempt thereto is actually prosecuted.

32. Use of arms etc., in presence of Senior Officer. — No officer of the prison shall, in the presence of his senior officer, use arms or weapons of any sort against a prisoner except under the orders of such senior officer.

33. Minimum force to be used. — In all cases requiring the use of force, only the minimum force shall be used.

34. Dispersion of mob outside prison. — Prison authorities shall not attempt to disperse a mob outside the premises of the prison unless the prison itself is threatened.

35. Calling for police aid. — The Superintendent, the Assistant Superintendent, or in their absence, the Senior Jailor shall call for police aid, as speedily as possible, either by phone or other means, only where such aid is absolutely necessary.

36. Prisoner not to keep any weapon of offence. — The Superintendent shall submit a full report to the Inspector-General and the Government of any serious assault committed by any prisoner upon a prison employee or convict officer, or of any combined outbreak amongst prisoners.

37. Prisoner with suicidal tendency. — A prisoner with apparently suicidal tendencies shall be carefully watched and not left alone in a cell.

38. Prisoner employed on extramural work not to leave the gang. — Where a prisoner is employed on

extramural works, he shall not be allowed to leave the gang under any pretext:

Provided that all his legitimate requirements during such employment shall be met in the presence of the guard in immediate charge.

39. Notice of escape of prisoner to be given and reports. — (1) Where a prisoner escapes, immediate notice shall be given to the Superintendent of Police and the District Magistrate with a full description of the prisoner. If the prisoner belongs to another district, a similar information shall be sent to the police authorities of that district.

(2) The Superintendent shall —

(i) give immediate intimation of the escape of a convict prisoner direct to the Officer in charge Finger Print Bureau, in order to facilitate the re-arrest of the absconder;

(ii) send a telegraphic report on the same day to the Inspector-General;

(iii) send subsequently a further report with full details in a tabular statement (Register

No. 9) containing information as to the time and circumstances under which the escape was effected, the party or parties through whose neglect it occurred, whether the prisoner has been recaptured, and if not, what measures have been adopted to effect his recapture. The run away's recapture at any future time shall also be reported; and

(iv) also send copies of reports referred to in clauses (ii) and (iii) direct to the State Government.

40. Escape from extramural work. — Where a prisoner escapes from a gang on extramural work, the officer in charge shall immediately collect the rest of the gang, detach one of his escorts, if any is available, to follow the escaped prisoner, and march the gang back to the prison, where he shall report the fact of the escape to the Jailor.

41. Recaptured prisoner to be received on original warrant. — An escaped prisoner who is recaptured may be received back into the prison on the original warrant.

JAIL FORM

(Rule No. 7)

Proforma of the Register of Visits to Women's Section/or Prison at

Date	Name of the person visiting and purpose in brief	Hours of —		Particulars and purpose in brief of taking a woman prisoner out of prison	Hours of —		Initials of —		
		entering prison	leaving prison		removal from prison	return back to prison	Woman Jailor	Senior Jailor	Superintendent
1	2	3	4	5	6	7			

JAIL FORM No. 12

(Rule No. 23)

Prison for the year 196

Number and date	Order's of Superintendent	Reports of Jailor etc. on Superintendent's order
1	2	3

JAIL FORM No. 9

[Rule No. 39(2) (III)]

Register of Escapes from the..... Prison, for the year 196

Serial No. of escape	Register number of prisoner	Name of prisoner	Crime	Date of sentence	Number of previous conviction	Date of escape	Full particulars of escape and whence and from whose charge the prisoner escaped	Result of enquiry before Magistrate and whether the warder or other Prison Official in charge was punished	Date of recapture	Remarks	
1	2	3	4	5	6	7	8	9	10	11	12

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 9th August, 1968.

Notification

LD/2/13/N-6/68

In exercise of the powers conferred by clauses (3), (4) and (28) of section 59, read with clauses (6) and (7) of section 46, of the Prisons Act, 1894 and of all other powers enabling him in that behalf and in supersession of the rules relating to punishments in force in any part of the Union Territory of Goa, Daman and Diu, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules, namely:

1. **Short title and Commencement.**— (1) These rules may be called the Goa, Daman and Diu Prisons (Punishments) Rules, 1968.

(2) They shall come into force on the 15th day of September 1968.

2. **Powers of jailor to place prisoner in iron or under mechanical restraint in certain circumstances.**— Where a jailor on his own authority places a prisoner in irons or under mechanical restraint in pursuance of section 58, he shall make a report of the circumstances in Register No. 13, and further give notice thereof to the Superintendent for such orders as the Superintendent considers appropriate.

3. **Prisoners not to be punished for complaints etc.**— No prisoner shall be punished for any statement made to a visitor except with the concurrence of such visitor.

4. **Exclusion from privilege of earning wages.**— Punishment of exclusion from the privilege of earning wages for a period in excess of one month may be awarded after obtaining the approval of the Inspector-General of Prisons.

5. **Minor and major punishments.**— For the purposes of these rules punishments specified in section 46 shall be classified minor or major as follows, namely:

(a) *Minor*—

(1) Formal warning;

(2) Change of labour,

(3) Forfeiture of remission earned not exceeding five days.

(4) Forfeiture of remission earned not exceeding three months of the grade or class or of all or specified prison privileges,

(5) Temporary reduction from a higher to a lower for a period not exceeding three months,

(6) Separate confinement for not more than fourteen days,

(7) Cellular confinement for not more than 7 days,

(8) Imposition of handcuffs, otherwise than by handcuffing to a staple,

(9) Imposition of chain fetters for not more than fifteen days,

(b) *Major*—

(1) Hard labour for a period not exceeding seven days in the case of a convicted criminal prisoner not sentenced to rigorous imprisonment,

(2) Forfeiture of remission earned, exceeding five days,

(3) Forfeiture of grade, privileges, and deferred pay for a period exceeding three months,

(4) Exclusion from the privileges admissible under the remission, furlough or parole system either permanently or for a specified period,

(5) Exclusion from the privilege of earning wages for a period exceeding three months,

(6) Permanent reduction from a higher to lower grade or class,

(7) Separate confinement for a period exceeding fourteen days, but subject to the provisions of sub-section (1) of section 48 where the period exceeds one month,

(8) Cellular confinement for period exceeding seven days,

- (9) Imposition of handcuffs, handcuffing to a staple.
- (10) Imposition of chain fetters for a period exceeding fifteen days, and of bar fetters;
- (1) Any combination of punishments provided for in section 47.

6. Pattern and weight of handcuffs etc.—(1) Handcuffs may be either barhand cuffs weighing not more than .907 kilogram, swivel-handcuffs weighing not more than .567 kilogram or chain handcuffs weighing not more than .454 kilogram.

(2) Subject to the provisions of sub-rules (3), (4) and (5), handcuffs may be imposed, by day or night, in front of the body—

(a) for a period of not more than twelve hours at a time with an interval of not less than twelve hours between each imposition and for not more than four consecutive days or nights.

(b) attached to a staple fixed not higher than the prisoner's shoulders or lower than his waist, for a period of not more than six hours in any day of twenty-four hours and for not more than four consecutive days.

(3) The handcuffs shall be removed for an interval of at least one hour after they have been imposed for three hours.

(4) Handcuffs shall be imposed in the presence of other prisoners, and only in cases where a prisoner is repeatedly found guilty of committing a prison offence, or of wilful violation of any regulation or rule and is evidently contumacious.

(5) Prisoners undergoing the punishment of handcuffs shall be sheltered from the sun and rain.

7. Handcuffs not to be imposed in certain circumstances.—No prisoner shall be handcuffed while being taken from a prison to a court and *vice versa* or from one prison to another, unless a definite direction that the prisoner be handcuffed, has been given in writing by the court or, as the case may be, the Superintendent:

Provided that the officer in charge of the prisoner may, if the prisoner becomes violent or attempts to escape or circumstances necessitate him so to do while in transit, handcuff him.

8. Pattern, weight of fetters etc.—(1) Fetters to be imposed may be—

(a) bar-fetters composed of two iron bars joined together by a link, the total weight of which does not exceed 2.263 kilograms, and each bar shall not be less than 0.508 metre in length.

(b) link-fetters composed of two iron chains joined together by a link and attached to ankle rings, the total weight of which does not exceed 1.361 kilograms and each chain is not less than .610 metre in length.

(2) Maximum period for which fetters may be continuously imposed shall be three months. A period of at least ten days shall elapse after fetters of any description have been imposed as a punishment for a prison offence before they can again be imposed as a punishment for another prison offence whether of the same kind or not.

(3) The ankle rings of fetters shall be perfectly smooth, without ridges, points or other inequalities:

Provided that where the Medical Officer is of opinion that ankles would be chafed by ankle rings, a prisoner shall be provided with leather or woollen gaiters.

9. Period for imposition of fetters.—The period for which fetters may be imposed for the purposes of clause (7) of section 46 and section 56 shall not exceed sixty days:

Provided that where the Superintendent finds it necessary in any case falling under section 56 to continue fetters beyond 15 days he shall obtain previous sanction of the Inspector General of Prisons reporting full details of the case.

10. Condition of fetters.—Fetters of every description shall always be kept bright and polished, and soft leather, blanket or canvas gaiters shall be allowed to prevent abrasion of the skin. Link and bar fetters may be suspended to the waist by a strip of leather, no string or rope being allowed for the purpose. When fetters become worn or thin in any part, they shall at once be changed.

11. Fetters not to be imposed certain prisoners.—No fetters in any form shall be imposed on—

(1) a juvenile prisoner,

(2) a criminal lunatic, unless it is absolutely necessary,

(3) any convicted criminal prisoner appearing before a court under the Prisoners (Attendance in Courts) Act, 1955, unless such a prisoner is so dangerous that it would be unsafe to produce him in the Court without fetters, and the Court has, on the application of the police, permitted to do so, or

(4) any prisoner in the hospital, except with approval of the Medical Officer.

12. Cells for women prisoner.—In the women's section of every prison there shall be a block of cells in sufficient number for use as punishment cells and to afford separate accommodation for women under-trial prisoners. A woman criminal prisoner may, at the option of the Superintendent, if cell accommodation is available, have the choice of occupying a cell in the women's section of the prison instead of being confined in the criminal prisoners' ward:

Provided that necessary arrangements for guarding of cells in the women's ward and the custody of keys of these cells can be made.

13. Cellular confinement.—(1) Under no circumstances, shall be two or more male prisoners be confined in one cell.

(2) Every prisoner before being confined in a cell shall be thoroughly searched and any implement or appliance likely to facilitate escape shall be removed. Every cell and the prisoner therein shall also be searched daily at the time of lockup and oftener, if necessary.

(3) Every prisoner who is punished with cellular confinement for more than twenty-four hours shall be visited daily by the Superintendent or, as the case may be, by the Assistant Superintendent, and

the Medical Officer in charge of the hospital and every two hours during the day and night by the Senior Jailor. The relieving and relieved guard-commanders of the night watches shall also visit the cells together and ascertain that the prisoner confined in the cell is the correct prisoner and that all is well.

(4) A ticket showing the nature of confinement, the date on which the prisoner was confined in the cell, and the date on which he is due to be discharged from the cell shall be caused by the Superintendent to be placed outside the cell.

14. Watch over prisoners in cells. — Every prisoner in a cell shall both by day and by night have the means of communicating with the guard on duty. The guard shall keep the keys of the cells during the day and night. A strict watch shall be kept over all the prisoners in cells to prevent them from committing suicide or injuring themselves.

15. Discipline in cells. — (1) The inmate of a cell shall at all times be compelled to keep it scrupulously clean.

(2) Strict silence shall be maintained among all prisoners in confinement in cells.

16. Withdrawal of bedding of prisoners in cells during day. — The bedding of prisoners in cells except that of prisoners under observation for sickness or insanity shall be withdrawn from the cell during the day.

17. Provision of work for labouring prisoners confined in cells. — Labouring prisoners in cells shall be provided with suitable work according to their capacity.

18. Procedure in case of sickness of prisoner in cell. — In case of sickness of a prisoner confined in a cell, immediate notice shall be given by the guard to the Jailor in charge of the yard or circle concerned who will send for the Medical Officer to attend to the prisoner and, if necessary, arrange to remove the prisoner to hospital.

19. Convict sweepers, cooks and watermen may enter cells. — Convict sweepers, cooks and watermen may enter the cells, when necessary, accompanied by a jail guard. Food shall be cooked and carried to the cells by prisoner cooks under the Superintendence of an officer of the prison.

20. Separate confinement. — A prisoner in separate confinement shall not be out of sight of other prisoners. He shall be allowed to have one hour's exercise per diem and to have his meals in association with one or more other prisoners.

21. Cellular confinement. — Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from having communication with other prisoners. Such a prisoner shall not be kept out of sight of other prisoners.

22. Intervals between two periods of cellular confinement. — No Prisoner shall be sentenced to cellular confinement unless an interval of not less than fourteen days has elapsed since the date of termination of his previous sentence of cellular confinement.

23. Medical Officer to certify fitness of prisoner for imposition of handcuffs. — (1) No punishment of imposition of handcuffs shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment shall certify accordingly in the appropriate column of the punishment book prescribed in section 12.

(2) If the Medical Officer considers that the prisoner is unfit to undergo the punishment, he shall, in like manner, record his opinion in writing and shall state whether he is absolutely unfit for punishment of the kind awarded or whether he considers any modification necessary. In the latter case, he shall state to what extent the prisoner can withstand the punishment without injury to his health.

24. Punishment by Magistrate for prison offence. — Where a prisoner is sent in accordance with the provisions of section 52 for trial by a Magistrate and the Magistrate declines to act under the said section, the Superintendent may, subject to these rules, award any punishment specified in section 46 which he considers to be expedient which the prisoner is fit to undergo.

25. Acts constituting both prison offence and offence under Indian Penal Code, how to be dealt with. — Where an act of a prisoner constitutes an offence under section 46 of the Prisons Act, 1894 and also an offence under the Indian Penal Code, the Superintendent may, in his discretion, use his power under section 46 of the Prisons Act, 1894 and award the punishment or forward the prisoner to a Court of the Magistrate of the First Class having jurisdiction, for trial:

Provided that a prisoner committing any of the following offences shall be prosecuted, namely: —

(1) *Rioting*—

Section 147, Indian Penal Code	Rioting.
Section 148, Indian Penal Code	Rioting armed with deadly weapon.
Section 152, Indian Penal Code	Assaulting or obstructing a public servant when suppressing riot.

(2) *Escape*—

Section 222, Indian Penal Code	Intentional omission to apprehend on part of a public servant.
Section 223, Indian Penal Code	Escape from confinement or custody negligently suffered by a public servant.
Section 224, Indian Penal Code	Resistance or obstruction by a person to his lawful apprehension.

(3) *Offences affecting human body—*

Section 302, Indian Penal Code	Murder.
Section 303, Indian Penal Code	Murder by a person under sentence of life imprisonment.
Section 304, Indian Penal Code	Culpable homicide not amounting to murder.
Section 304-A, Indian Penal Code	Causing death by rash and negligent act.
Section 309, Indian Penal Code	Attempt to commit suicide.
Section 323, Indian Penal Code	Voluntarily causing grievous hurt.
Section 326, Indian Penal Code	Voluntarily causing grievous hurt by dangerous weapon or means.

(4) Any offence triable exclusively by a Court of Sessions.

26. No prisoner to be punished twice for same offence.—No prisoner shall be punished twice for the same offence:

Provided that any measure taken for security and safe custody of a refractory or dangerous prisoner, or for preventing him from committing mischief, and exclusion from a privilege which is otherwise admissible only to a well behaved prisoner shall not be a punishment for the purpose of these rules.

JAIL FORM 13

(Rule No. 2)

Report Book of for Prison 196

Serial No.	Report	Orders of the Superintendent	Compliance report
1	2	3	4

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 9th August, 1968.

Notification

LD/2/13/N-7/68

In exercise of the powers conferred by clause (28) of section 59 of the Prisons Act, 1894 (IX of 1894), Daman and Diu and of all other powers enabling him in its application to the Union territory of Goa,

in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Prisons (Facilities to Prisoners) Rules, 1968.

(2) They shall come into force on the 15th day of September, 1968.

2. **Intimation to relatives of prisoner.**—A printed post card in Form I shall be sent at Government cost to the relatives of a prisoner admitted to the prison.

3. **List of relatives.**—(1) Every prisoner on admission shall submit a list of persons who are likely to seek interviews with him. This list shall be kept on record with the Jailor detailed for conducting interviews, for scrutiny as and when required.

(2) Interviews shall be granted only to near relatives, friends and legal adviser of the prisoner.

(3) Interviews between prisoners (including those released on parole or furlough) shall not be allowed unless they are members of their families, that is to say, spouse, children, father, mother, brother and sister.

4. **Interviews and communications of prisoners.**—

(1) An unconvicted criminal prisoner (under trial prisoner) shall be entitled to reasonable facilities, for interviewing or otherwise communicating either orally or in writing with his relatives, friends and legal adviser during the hours prescribed by the Superintendent in each case.

(2) Subject to the provisions of sub-rule (3), and the following rules, every newly convicted prisoner (including a prisoner committed under Chapter VIII of the Code of Criminal Procedure, 1898) shall, during the period of appeal, be entitled to see his relatives or friends and communicate with them once a week or oftener at the discretion of the Superintendent for the purpose of enabling the prisoner to prepare or file an appeal or to arrange for procuring bail or security, or to arrange for payment of fine or to manage his property or other family affairs.

(3) A prisoner under sentence of death shall be allowed such interviews and other communications with his relatives or friends and legal advisers as the Superintendent thinks reasonable.

(4) Civil prisoners may see their friends and relatives between the hours fixed for interviews for the particular prison under such conditions as may be adjudged suitable by the Superintendent.

5. **Scale of interviews.**—A convicted criminal prisoner in Class I shall be entitled to have one interview every fortnight; and a convicted criminal prisoner in Class II shall be entitled to have one interview within a period of one month.

6. **Special interviews in discretion of Superintendent.**—The Superintendent may, notwithstanding the misconduct, if any, grant the prisoner interviews or allow him despatch of letters at shorter intervals than those provided for in these rules, regard being had to special or urgent grounds such as, the serious illness of the prisoner, the occurrence of death of his near relative, the arrival of his friends or relatives from a distance to see the prisoner and undue hardship that may be caused to them if interview is

refused, the fact that the prisoner is nearing release and wishes to secure employment or to make any other arrangement for his rehabilitation in society after release or any other sufficient cause.

7. Interviews. — (1) Unless the persons desiring interviews are illiterate, applications for interviews shall be in writing. All applications for interviews shall be entered in order of their receipt in a register in Form II.

(2) Where a legal adviser desires an interview with an unconvicted criminal prisoner (undertrial), he shall apply in writing to the Superintendent stating his name, address, profession and the name of the prisoner and satisfy the Superintendent or any other Officer of the prison specially empowered by the Superintendent in this behalf, that he is the *bona fide* legal adviser of the prisoner with whom he seeks an interview, and that he has legitimate business with him.

(3) When a prisoner is not entitled to an interview the applicant shall be informed accordingly.

(4) Where an interview or letter is permissible, but the same is refused by the relevant authority, the reasons for such refusal shall be recorded in the Interview Register.

(5) Prior consent of the prisoner shall be obtained before granting an interview with him.

(6) No interview which is not permissible shall be allowed without the prior approval of the Superintendent.

(7) The Superintendent shall scrutinise every day the entries regarding interviews recorded in the Interview Register before he signs it.

8. Competent authorities to sanction interviews. —

(1) Interviews in respect of the following categories of prisoners shall be permitted only with the prior sanction of the Superintendent that is to say: —

(a) class I convicted prisoners and class I undertrials;

(b) Prisoners and undertrials of political background, irrespective of the class in which they are placed;

(c) notorious and dangerous convicts, irrespective of their term of sentence and class;

(d) notorious and dangerous under trials; and

(e) Prisoners sentenced to death.

(2) The interviews of the following categories of prisoners shall be permitted in prisons, where there is a Assistant Superintendent, with the prior sanction of the Assistant Superintendent, and in other cases with the prior sanction of the Senior Jailor, that is to say: —

(a) Class II convicted prisoners whose unexpired sentence is more than 10 years.

(b) Class II under trials.

(3) Interviews to prisoners not falling in any of the categories mentioned in sub-rule (1) or (2) shall be permitted with the prior sanction of the Senior Jailor.

(4) In prisons, where the Jailor acts as a Superintendent also, interviews of all prisoners shall be subject to the provisions of these rules, be arranged,

with the prior sanction of the Jailor-cum-Superintendent.

9. Hours, procedure and place of holding interviews with prisoners. — (1) Interviews shall ordinarily be granted on such working days as may be prescribed from time to time by the Inspector General of Prisons from 9.00 a. m. to 12 noon and from 3 p. m. to 5 p. m. subject to such adjustment as the Superintendent may direct according to local conditions and requirements. The hours of interviews so adjusted shall be notified in front of the prison gate, the visitor's waiting room and the inquiry office, if there is one.

(2) Except with the permission of the Superintendent, no interviews shall be granted on Sundays and prison holidays. Such interviews shall be entered in the Interview Register, after recording the reasons in brief of the exceptional circumstances in which the interview was given in column No. 10 of the register.

(3) The duration of an interview shall normally not exceed twenty minutes, except with the permission of the Jailor who may, for adequate reasons to be recorded in the history tickets of the prisoner, and also in the Interview Register, extend this period by not more than another ten minutes.

(4) Not more than two persons shall be permitted to be present at an interview; Provided that when a prisoner has an interview with father, mother, brother, sister, husband, wife and children or a joint interview with his friends and relatives, the number of persons permitted to interview the prisoner shall not exceed five.

(5) In the case of dangerous prisoners or prisoners who present disciplinary or custody risks, interviews shall necessarily be granted in a room where appropriate precautionary barriers have been installed. Prison authorities shall decide in their discretion as to which prisoners should be granted interviews in such a room.

(6) Prisoners shall be thoroughly searched before they enter the interview area and also after the interview is over.

(7) During an interview, prisoners, may be allowed to discuss domestic and family welfare matters and to give instructions as to how the lawful business, which they were conducting prior to their conviction, should be transacted. The prisoners shall not be allowed to use these interviews for any other purpose. If objectionable matters start getting discussed, the Jailor in charge of the interview may discontinue the interview forthwith.

(8) Approved books and clothing articles brought by interviewers may be deposited in the prison office. Any other articles like money, food, eatables, fruits, toilet articles, cigarettes or bidies shall not be allowed to be received by prisoners at the time of the interview, and shall also not be received at the prison office.

(9) A prisoner on hunger strike shall not be granted interviews and other facilities.

(10) Where a prisoner is admitted in the prison hospital as an indoor patient and the Medical Officer certifies that he is unable to go to the interview room, the interview shall be granted in the hospital.

(11) Where a prisoner is admitted in a Civil Hospital as an indoor patient, every interview shall be granted by the Officer in charge of the interviews of the prison, from which the prisoner is sent to the Civil Hospital but with the concurrence of the medical officer at the Hospital.

(12) Prisoners may not be granted interviews for reasons of security or discipline or during periods of emergencies. The decision of the Superintendent in such matters shall be final.

(13) Every interview shall be granted at a place reserved for the purpose, which shall generally be at or near the main gate of the prison.

(14) The interviews to women prisoners shall, as far as possible, be given at the Women's section of the prison. In a prison where there is no separate women's section, interview to women prisoners shall be given singly and shall not be given along with other men convicts.

(15) Notwithstanding anything contained in this rule, the Superintendent may for reasons to be recorded in writing refuse any interview to which a prisoner is entitled under these rules, if in his opinion, such an interview is likely to be against the public interests.

10. Conduct of interviews; Complaint book. — (1) A senior Jail Guard shall be present at the place where interviewers are generally collected during the hours prescribed for interviews. It shall be his duty to collect all information regarding the names and number of prisoners to be interviewed and guide the interviewers in all matters.

(2) A complaint book with serially numbered pages with prison seal on each page shall be maintained at the Visitors waiting room in charge of the guard on duty who shall make it available for the visitors on demand. He shall place the book before the Superintendent every day after the interview hours.

11. Jailor to be present at every interview. — Every interview with a convicted criminal prisoner, unconvicted criminal prisoner or a civil prisoner shall take place in the presence and hearing of a Jailor specially appointed by the Superintendent for the purpose, and it shall be the duty of such Jailor to see that no irregularity occurs and that no article is passed between the parties concerned, except through the prison authority present. During the interview a prisoner under sentence of death and his friends or legal advisers shall not be allowed to approach each other.

12. Political matters not to be discussed at interviews — termination of interviews. — (1) No political matters shall be discussed during an interview between convicted criminal prisoner or an unconvicted criminal prisoner or a civil prisoner and his interviewers who may be his relatives, friends or legal advisers.

(2) An interview may be terminated at any moment if the jailor present considers that there is sufficient cause to terminate such interview, and he shall forthwith report the reasons for orders of the senior officer present in the prison. The orders shall then be recorded in the history ticket of the

prisoner with reasons and also in the Interview Register.

13. Language of conversion at interview. — No conversion at an interview in a language not readily understood by the Jailor present shall be permitted, unless an interpreter is available on the prison staff.

14. Which interview to be within sight but out of hearing. — Every interview between an unconvicted criminal prisoner and his legal adviser shall take place within the sight, but out of hearing of a prison official. A similar concession may, subject to the provisions of rule 11, be allowed by the Superintendent in the case of an interview with near relatives that is to say, father, mother, brother, sister, husband, wife and children of such prisoner.

15. Power of State Government to withhold privileges of interview. — Notwithstanding anything contained in these rules, the State Government may, at any time, direct that any convicted criminal prisoner or a class of convicted criminal prisoners shall not be allowed the privileges of interview.

16. Senior Jailor may remove any visitor and search persons. — The Senior Jailor may remove any visitor (other than an official or non-official visitor on duty) whose conduct is improper and he may search any person suspected of bringing in or taking out of the prison any articles prohibited under the rules in force.

17. Letters of prisoners. — (1) Each prison shall have a mail branch for handling all matters pertaining to mail of the prisoners. This branch may be equipped with necessary screening and other equipment required for thorough censoring. Prisoners' mail, both incoming and outgoing, shall be carefully censored.

(2) On initial admission, a prisoner may be asked to give a list if persons with whom he is likely to correspond during his period of imprisonment. As far as practicable, this list shall be scrutinised.

(3) Prisoners may be allowed to write letters at the scale mentioned below:

- | | |
|-------------------------|-------------------------------------------------------------------------------------|
| (a) Class I Prisoners. | Four letters per calendar month; two at Government cost and two at prisoner's cost. |
| (b) Class II Prisoners. | Two letters per calendar month; one at Government cost and one at his own cost. |

(4) Ordinarily prisoners may be allowed post cards. Envelopes may be issued or permitted only, when considered essential by the Superintendent.

(5) A prisoner may be allowed to write letters to his near relatives and friends only. Where it is found that the prisoner is corresponding with undesirable persons or *vice-versa* or if any correspondence is considered detrimental to the prisoners' rehabilitation, such letters, both incoming and outgoing, shall be withheld. Prisoners may be informed of the action taken without divulging the contents of such letters received. If necessary, they may be warned in this respect.

(6) A prisoner may at the discretion of the Superintendent be allowed additional letters for legal purposes, normally at his own cost and if he has not enough money, at Government cost.

(7) There shall be no limit on the number of incoming letters of prisoners.

(8) Facilities for sending telegram and registered letters may be extended in suitable cases at prisoner's cost.

(9) Prisoners shall not be allowed to correspond with inmates of other prisons. If, however, a prisoner has got his near relative in another prison, he may be permitted to send welfare letters only;

(10) Letters both incoming and outgoing with objectionable, cryptic or suspicious contents shall be withheld under intimation to the prisoner.

(11) The right to disallow letters to prisoners for reasons of security, discipline or during periods of emergencies will be exercised by the authorities concerned as and when necessary.

(12) A letter from a prisoner merely arranging an interview shall not be counted as a letter for the purpose of this rule.

(13) A prisoner may with the permission of the Superintendent substitute a letter for an interview or *vice-versa*.

(14) The withdrawal or curtailment of the privileges under this rule shall be treated as specific punishment for a specific offence and not as a direct result of any other punishment for any other offence.

(15) A civil prisoner shall be allowed to write a letter when he wishes to do so if he provides himself with his own writing materials. The Senior Jailor may under the orders of the Superintendent open and examine any letter to and from a civil prisoner and withhold a letter which appears to him to be objectionable until the prisoner is entitled to be released. Where a civil prisoner is found to be abusing the privilege of writing or receiving letters, it may be withheld under the orders of the Superintendent who shall record his reasons in Form III. No visitor shall be allowed to take within the prison any articles without the permission of the Superintendent.

(16) The provisions of these rules providing for privileges in respect of interviews and letters shall *mutatis mutandis* apply to civil prisoners as they apply in relation to unconvicted criminal prisoners.

18. Facility of certain transactions to be permitted to prisoners.—If the Superintendent is satisfied about the merits of each case and that the privilege shall not be misused, he may allow a prisoner in Class I or Class II,

(a) to effect sale, transfer or disposal of his property outside the prison in accordance with law, or

(b) to draw cheques in the absence of any relatives or friends to operate his accounts, if the money is required for a legitimate purpose such as payment of taxes or other dues or maintenance of his dependents.

19. Supply of writing material, service post cards etc. to prisoners for writing communications.—(1) Writing materials shall be supplied at Government

cost to any convicted criminal prisoner who is entitled to write a letter. All letters shall be written at such time and place as the Superintendent may appoint on a fixed day of the week, preferably Sunday. All letters written by or for a prisoner shall be immediately censored, recorded in the history ticket and posted or delivered without delay.

(2) The Superintendent may allow a convicted criminal prisoner under sentence of simple imprisonment to use his own writing materials.

20. Subjects on which prisoners may correspond.—A prisoner who is entitled to write a letter and who desires to do so, may correspond on personal and private matters; but he shall not include any matter likely to become the subject of political propaganda or any strictures on the administration of the prison, or any reference to other person confined in the prison who have their own opportunities for communication with their families.

21. Procedure when communications are in language not understood by any jail employees.—If none of the prison employees understands the language in which any letter is written by a prisoner or is received for him, it shall be submitted to the Inspector General with a view to obtaining a reliable translation of the same in English, Marathi or Hindi.

(2) No letter written in ciphers shall be despatched, or as the case may be, given to a prisoner.

22. Communications from members of Parliaments or State Legislatures.—All communications between an unconvicted criminal prisoner or a convicted criminal prisoner or a civil prisoner who is a member of any house of Parliament or of a State Legislature and the presiding authority of such House of which he is a member or any officer thereof or the Chairman of a Committee (including a Committee of Privileges) of such House or a Joint Committee of both the Houses of Parliament or of the State Legislature shall be forwarded direct to the addressee. Any question which such prisoner wishes to be asked in any such House shall also be forwarded to the presiding authority thereof:

Provided that if any such prisoner has not made or subscribed an oath or affirmation as required by the Constitution and has not taken his seat in such House, the Superintendent shall bring that fact to the notice of the presiding authority of that House while forwarding to him any such communication or question from such prisoner.

23. Censoring and withholding of prisoners' letters and other communications.—(1) All communications addressed to and by a prisoner shall be censored by the Jailor specially empowered by the Superintendent. The Jailor shall himself scrutinise all communications of, or by, prisoners. The word 'censored' shall be stamped on all letters so censored under the dated initials of the Jailor. A rubber stamp may be used for this purpose.

(2) The Superintendent may withhold for reasons to be recorded in Form III, any incoming or outgoing letter of a prisoner which seems to him to be improper or objectionable or he may erase any improper or objectionable passages in such letters.

(3) The work of censoring shall not be entrusted directly or indirectly to prisoners or convict officers.

24. Communication addressed by prisoner to Government Departments on matters not pertaining to prison administration.—All communications addressed by a prisoner to Government Departments with respect to matters not pertaining to the prison administration shall be forwarded by the Superintendent direct to the addressee. Such communications shall not be included in the scale prescribed in sub-rule (3) of rule 17.

25. Punishment for abuse or infringement of privilege of interviews and communications or any condition relating thereto.—(1) A prisoner who abuses any privilege or infringes any condition in relation to interviews, or letters or communication to any person outside the prison, shall be excluded from such privileges for such period as the Superintendent may determine and shall be subjected to such further restrictions as the Superintendent may direct.

(2) The Superintendent may if he considers it sufficient, merely caution the prisoner concerned against the withdrawal of the privileges in case of further abuse or infringement.

26. Report regarding withholding or curtailment of privilege.—The Superintendent shall report to the Inspector General every quarter on the 1st January, April, July and October all cases where such privileges are withheld or curtailed.

27. Destruction of letters delivered to prisoners.—All letters delivered to prisoners shall be destroyed after a week from the date of delivery, unless the Jailor allows any letter to be retained by a prisoner by putting on the letter his initials and the words "allowed to be retained".

28. Every prison to have Library.—The Central Jail and the sub-Jail at Reis Magos shall have a library for the use of prisoners free of charge. The Superintendent shall make arrangements for the proper custody and issue of books to prisoners.

29. Supply of news-papers.—(1) Daily newspapers which are in the list approved by the State Government shall be supplied free of charge to convicted criminal prisoners in the following manner:—

(a) One copy of such newspaper in English or in one of the regional languages or in Hindi at the discretion of the Superintendent for every 15 prisoners or less in Class I, and

(b) One copy of such newspaper in English or in one of the regional languages at the discretion of the Superintendent for every 20 prisoners or less in Class II.

(2) No newspapers shall be supplied to unconvicted criminal prisoners and civil prisoners at Government cost.

(3) The Superintendent may allow a prisoner to have at his own cost any newspaper or a periodical which is on the list approved by the State Government.

(4) A newspaper or a periodical which is not on the list approved by the State Government shall not be supplied to a prisoner except with the permission of the State Government.

30. Number and type of books which prisoners may keep in their possession.—(1) In addition to

the books which may be issued from the prison library, a convicted criminal prisoner shall be permitted to have in his possession at a time not more than two religious books and ten non-religious books of his own:

Provided that the non-religious books are not, in the opinion of the Superintendent, vulgar, obscene, of an objectionable nature, or prohibited by Government.

(2) A convicted criminal prisoner desiring to prosecute higher studies may possess any number of text books, with the permission of the Superintendent.

31. Books in excess.—Books brought by a prisoner or which are sent to him in excess of the number specified in the preceding rule shall be kept with the Superintendent who shall keep a list of such books and they may be issued to the prisoner in exchange for the books that he may already have in his possession. All such books shall be returned to him when he is released.

32. Unconvicted criminal prisoners may purchase books.—An unconvicted criminal prisoner shall be permitted to purchase at his own expense or to obtain from private sources such number of books as the Superintendent considers reasonable:

Provided that no such book is in the opinion of the Superintendent vulgar, obscene, of an objectionable nature or prohibited by Government.

33. Civil prisoners may purchase books.—Subject to safeguards against the introduction of improper literature, and at the discretion of the officer in charge of a civil prison, a civil prisoner may have books (or newspapers and periodicals which are on the list approved by the State Government) at his own expense.

34. Legal aid.—Prisoners of all categories may be given necessary facilities for—

(a) appeal and petition according to the provisions of any law;

(b) legal defence;

(c) delegation of power of attorney (property, land, civil suits, business transactions etc.); and

(d) execution of will.

35. Smoking.—Prisoners will be permitted to smoke only at such places and during such periods as may be specified by the Superintendent in that behalf.

36. Photographs.—Prisoners may be allowed to keep with them photographs of their family members up to post-card size and small size religious photographs. The Superintendent may use his discretion as to which photographs and religious pictures should be allowed to be kept with prisoners. Such pictures and photographs shall not be allowed to be pasted or hung in dormitories or cells or on other jail buildings.

37. Gifts to Prison Department.—The Inspector-General may accept a gift of a radio set or gifts which are of the nature of public collections offered to prison department, for the benefit and use of prisoners.

38. Exhibition of films.—Necessary arrangements to exhibit suitable films for the benefit of prisoners

shall occasionally be made by the Information and Tourism Department in consultation with the Superintendent.

39. Superintendent may ascertain names of films from Information and Tourism Department. — The Superintendent may request the Information and Tourism Department to inform him the names and subject-matter of the films they intend to exhibit so as to enable him to consider the suitability of the films for exhibition to the prisoners.

40. Superintendent to report about films shows. — The Superintendent shall submit a monthly report to the Inspector-General on the following lines: —

(1) Number of film shows exhibited by the Information and Tourism Department, with the dates and the subjects of the film shows exhibited.

(2) The days fixed for such shows and how many times during a month they are arranged.

41. Officer of the Information and Tourism Department to record his visit. — (1) The Officer of the Information and Tourism Department, exhibiting such film shall also record his visit to the prison in a register maintained for the purpose together with the names of the films exhibited by him and his remarks thereon, in any.

(2) The Superintendent shall submit every month an extract of such register to the Inspector-General together with his remarks.

42. Tournaments. — The Inspector-General may authorize the Superintendent to allow prisoners to take part in tournaments of Hu-tu-tu, Volley ball or the like both inside and outside the prison:

Provided that teams of only well behaved prisoners shall be sent out to play with outside teams.

43. Playing of indoor games by class I prisoners. — Prisoners in Class I shall be allowed to play chess, draughts and carrom at their own cost.

44. Wage system. — Wages may be paid to prisoners for work done with a view to —

(a) offering incentive and stimulus for effort, work and industry;

(b) making prison work purposive and meaningful;

(c) developing a sense of self-responsibility and self-respect amongst the inmates;

(d) enabling prisoners to purchase their sundry daily extra requirements from the prison canteen; and

(e) helping inmates to effect saving for their post-release rehabilitation and also for extending economic help to their families.

45. Eligibility for wages. — (1) Subject to the provisions of this rule, all convicted criminal prisoners under sentence of more than three months and who have completed the first three months of their sentence, and unconvicted criminal prisoners or civil prisoners who have volunteered to work shall be paid wages at such scale as may, from time to time, be determined by Government on condition that they complete their daily quota of task to the satisfaction of the prison authorities.

(2) A prisoner who does conservancy work shall be allowed to earn wages at such scale as may, from

time to time, be determined by Government, even during the first three months of his sentence.

(3) Subject to the provisions of rule 46 a prisoner may be permitted to remit a portion of wages paid to him under sub-rule (1) or

(2) to any of the following members of his family —

Spouse, children, father, mother, brother and sister.

46. Savings and expenditure. — (1) A prisoner shall be allowed to utilise not more than two thirds of his earnings (the remainder being kept as compulsory savings for his rehabilitation needs) for the following purposes, that is to say —

(a) purchasing articles from the prison canteen;

(b) purchasing post-cards, envelopes and the like;

(c) remittance to family members as provided by sub-rule (3) of rule 45;

(d) purchase of approved books;

(e) payment of fine or other legal obligations;

(f) other items as approved by the Superintendent such as purchase of National Savings Certificate.

(2) Wages earned by a prisoner shall be credited in the wage account of each prisoner. All wage disbursements shall be done through debit adjustments in the prisoner's wage account.

(3) All matters pertaining to tasks and wages shall be handled by respective staff members. Prisoners shall not be used for computation of tasks and wages, entries in wage account and wage disbursements.

(4) At the time of a prisoner's release on parole or furlough, the balance or a portion of the balance of his wages after reserving one-third portion of the total earnings may at the discretion of the Superintendent, be paid in cash if the prisoner so desires.

47. Canteen for prisoners. — There may be a canteen run on self-supporting basis in Central Jail or any sub-Jail wherever possible.

(1) The following articles may be stocked in every such canteen, namely: —

(a) Tea, coffee, milk;

(b) such eatables and articles as the Inspector-General may, from time to time, approve;

(c) soap, oil, combs and the like;

(d) fruits, like bananas, mangoes;

(e) Biddies, cigarettes, tobacco;

(f) tooth paste, tooth powder, tooth brush; and

(g) stationery articles like pencil, exercise books, papers.

(2) No prisoner other than one working in the canteen shall have access to the canteen. Arrangements shall be made to sell the articles therefrom to prisoners by means of trolleys kept outside the canteen at the places selected by the Superintendent during such hours as may be fixed by the Superintendent.

(3) No short-term prisoner with sentence of less than three months and no long-term prisoner who

has not completed the first three months of his sentence shall work in the canteen.

(4) Subject to the provisions of this sub-rule, prisoners shall be permitted to purchase the articles referred to in sub-rule (1) from the canteen, either from the amount of wages standing to their credit or from their private cash or both in accordance with following provisions, namely:—

(a) Prisoners under substantive sentence of rigorous, imprisonment or simple imprisonment for a term of three months or more and who have completed the first three months of their sentence may purchase any of the articles specified in sub-rule (1) from the amount standing to their respective credit on account of wages earned by them.

(b) All prisoners during the first three months of their sentence may purchase only soap and other articles of toilet from their private cash;

(c) Prisoners who have volunteered to do and actually do conservancy work shall be permitted to purchase any of the articles referred to in sub-rule (1) from the canteen either from the amount of wages standing to their credit or from their private cash or from both.

Explanation.— For the purpose of this clause, conservancy work means the work of cleaning latrines and removing night soil and cess-pool water.

(d) The Superintendent may permit a prisoner, who—

(i) though entitled to work cannot be suitably employed; or

(ii) is unable to work due to physical or other disability; or

(iii) does work, but does not earn sufficient wages for reasons beyond his control; to purchase tea, coffee, tobacco and eatables from his private cash;

(e) An unconvicted criminal prisoner or a Civil Prisoner may be permitted to purchase any of the articles specified in sub-rule (1) either from the amount of wages standing to his credit, or from his private cash:

Provided that no prisoner shall be in possession of more than one cake of soap or article of toilet at any one time:

Provided further that no prisoner who has not attained the age of twenty-one years shall purchase tobacco in any form.

(5) The Superintendent shall maintain a record of the reasons for which permission has been granted by him under clause (d) of sub-rule (4), and of the prisoner who are subject to the restrictions contained in the second proviso to sub-rule (4) and shall keep or cause to be kept such record in the canteen. He shall also make or cause to be made a note of such reasons and restrictions in the wage sheet of the prisoner concerned.

43. No facility to refractory prisoners. — (1) Subject to the provisions of sub-rule (2), a refractory prisoner confined in a special prison on disciplinary grounds shall not be—

(a) eligible for any privileges given to a well behaved prisoner or

(b) permitted to play any outdoor game.

(2) Such prisoner may be allowed to purchase toilet articles required on hygienic grounds.

49. Certain facilities not to be given to offenders under the Reformatory Schools Act transferred to prisons. — An offender who is transferred to prison from a reformatory school or Borstal School shall not be—

(i) given canteen facilities except soap, tooth powder and the like till he begins to earn remission in accordance with the Goa Prisons (Remission System) Rules, 1965;

(ii) given wages or remission earlier than provided for under clause (i) unless he volunteers and actually does the conservancy work;

(iii) permitted to buy tobacco in any form if he is below twenty-one years of age.

FORM I

(See rule 2)

LETTER TO RELATIVES OF PRISONERS

"Dear Sir/Madam,

Prisoner is admitted to this Prison and his prison number is He is allowed to interview his relatives or friends once a month/fortnight. You can interview him/her on any week day, except Sundays and holidays between hours. You may also write to him/her by post at any time c/o Superintendent, Prison. The prisoner is allowed to write only two/four letters per month provided his conduct in prison is good. The interviews and letters must be restricted to domestic matters only. No eatables and other articles should be sent to the prisoner or given to him/her at the time of the interview. You may however, send to the prisoner 'money' by money order for his/her use.

Yours faithfully,

Superintendent,

Prison.

FORM II

(See rule 7)

INTERVIEW REGISTER

Serial No.	Date	Time	No. and name of prisoner to be interviewed	Name of the interviewer	Relationship with prisoner	Address of the interviewer
1	2	3	4	5	6	7

Occupation of the interviewer	Purpose of interview	Whether interview is due, or or whether extra interview granted	Signature/ thumb impression of the interviewer	Signature of the jailor conducting the interview	Signature of the Superintendent
8	9	10	11	12	13

FORM III

(See rule 17(15))

Order No.	Details of letters ordered to be withheld by the Superintendent and the reasons therefor	Action taken by the Jailor
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By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 9th August, 1968.

Notification

LD/2/13/N-8/68

In exercise of the powers conferred by clause (20) of section 69 of the Prisons Act 1894 (IX of 1894), and of all other powers enabling him in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These Rules may be called the Goa, Daman and Diu Prisons, (Convict Officers) Rules, 1968.

(2) They shall come into force on the 15th day of September, 1968.

2. **Grades of Convict Officers.**—(1) There shall be two grades of convict officers:

(i) Convict overseas.

(ii) Convict night watchmen.

(2) Subject to the provisions of these rules, selection to these grades shall be subject to the prisoner being physically fit to perform the duties of the office.

3. **Eligibility for appointment as Convict Officers.**—(1) Subject to the provision of sub-rule (2) and rules 4 and 5 and sub-rule (2) of Rule 7 no prisoner shall be appointed as a convict officer unless—

(a) he has been granted remission; or

(b) he has been sentenced to simple imprisonment and desires to be appointed as convict officer:

Provided that, other things being equal, preference shall be given to those prisoners who—

(i) have proved their industriousness,

(ii) have attained proficiency in a trade,

(iii) have shown good progress in educational activities like literacy classes or physical training,

(iv) have shown marked usefulness in the prison in other fields, and

(v) are reliable and trustworthy:

Provided further that—

(a) Convict officers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from among the prisoners sentenced to simple imprisonment who desire to work.

(b) female prisoners shall ordinarily be appointed direct to the post of a convict Overseer, but no appointment of a female prisoner to the post of a Convict Night Watchman shall be made except with the permission of the Inspector General of Prisons.

(c) Class I prisoners shall be eligible for direct appointment as Convict Overseers but the number of Class I Convict Overseers shall in no case exceed 4 per cent of the number of such class of prisoners confined in the prison and the total number of Convict Officers shall not exceed 11 per cent of the prison population without the sanction of the Inspector General of Prisons.

(2) A prisoner sentenced to imprisonment for a term specified in column 2 of the Appendix to this

Chapter shall be eligible for appointment as a Convict Officer specified in column 1 of the Appendix if he has completed the period of his term of imprisonment specified in column 3 of the Appendix and earned a remission for the period specified against him in column 4 thereof.

4. **Appointment of Habitual Prisoners as Convict Officers.**—(1) A prisoner belonging to the habitual class of prisoners (hereinafter in this rule, referred to as 'habitual prisoner') with not more than four previous convictions may if he is eligible for appointment under rule 3 and his record in the prison is good be appointed as a Convict Night Watchman for night patrol inside the barracks occupied by habitual prisoners.

(2) A habitual prisoner with not more than two previous convictions may if he is eligible for appointment under rule 3 be appointed as a Convict Overseer in the prison in which habitual prisoners are kept.

(3) A habitual prisoner shall not under any other circumstances be appointed as a Convict Overseer except with the special prior sanction of the Inspector General of Prisons.

5. **Prohibition against certain prisoners from being appointed as Convict Officers.**—No prisoner, whether male or female who has been sentenced for the offence of rape, unnatural offence, or kidnapping for the purpose of prostitution shall be appointed as a Convict Officer.

6. **Selection of Convict Overseers.**—Subject to the provisions of these rules, Convict Overseers shall ordinarily be selected from the ranks of Convict Night Watchman.

7. **Authority competent to appoint Convict Officers.**—(1) The Superintendent may appoint Convict Officers from amongst the prisoners under him who are eligible for such appointment under these rules.

(2) Where there is no prisoner eligible for appointment to any grade of Convict Officers in which is a vacancy, the Superintendent may either—

(a) apply to the Inspector General of prisons for the transfer of a prisoner, who is eligible for such appointment, from another prison, or

(b) with the previous sanction of the Inspector General of Prisons appoint a prisoner of the prison in his charge who, though not so eligible has in the opinion of the Superintendent the first claim on such vacancy.

(3) Where a prisoner has been appointed as a Convict Officer with the sanction of the Inspector General of Prisons number and date of the order conveying sanction shall be entered at the head of the page in the Remission Register in which the Convict Officers name appears and in his History ticket.

8. **Reduction of a Convict Officer.**—A convict officer shall cease to hold office if he becomes, permanently incapacitated physically or mentally to perform his duties or with the sanction of the Inspector General of Prisons if, in the opinion of the Superintendent, he is unfit to perform his duties.

9. **Transfer of Convict Officers to other Prison.** — A convict Officer shall not be transferred to any other prison under rule 7 without special sanction of the Inspector General of Prisons.

(2) Whenever a Convict Officer is appointed by transfer from another prison under rule 7, he shall, on ceasing to hold office of a Convict Officer under rule 8, be transferred to the prison from which his transfer was secured.

10. **Duties of Convict Overseers.** — A convict Overseer shall —

(a) Whenever required so to do perform all or any of the duties of a Convict Night Watchman;

(b) supervise the labour of prisoners and maintain order and discipline among them;

(c) look after factory tools and appliances;

(d) see that bathing and other parades are properly carried out, and prisoners keep themselves, their clothing, pots and plates and fetters clean;

(e) escort prisoners about the prison when so required.

11. **Duties of Convict Night Watchman.** — (1) A Convict Night Watchman shall in addition to his daily allotted labour during the day, —

(a) patrol the inside of the wards and assist in maintaining discipline and other at night;

(b) prevent prisoners from leaving their berths except with permission and for a necessary purpose;

(c) count prisoners frequently, satisfy himself that all are present and answer challenging patrols;

(d) prevent, as far as lies in his power, any breach of prison rules by any prisoner in his charge, and report the same;

(e) report cases of sickness and the use of latrines otherwise than at the time specified for that purpose;

(f) assist in quelling any disturbance and in cases of necessity defend any official;

(g) assist the Jail guards in discharge of their duties;

(h) do everything in his power to prevent escapes;

(i) bring immediately to the notice of the Prison Officers the introduction or removal of any prohibited article in or out of the prison, and

(j) report any plot to escape or any projected emeute by other prisoners which may come to his knowledge.

(2) A Convict Night Watchman, may, whenever required, be employed to act as a gate keeper of a workshed or barrack or yard during the day time.

12. **Remuneration of Convict Officers.** — Convict Officers shall be eligible to receive remuneration for every working day (including Sundays and Jail Holidays) at the rate of 31 paise per day. Where a Convict Officer is employed on any work other than that of a Convict Officer, he shall receive wages on his out-turn of work at such rates as the competent authority may fix in this behalf.

APPENDIX

[See Rule 3(2)]

Convict Officer	Term of imprisonment	Completion of period of term of imprisonment	Period of Remission
Convict Overseer	Six months or more but not exceeding twelve months.	4 months	20 days
Convict Night Watchman	Do	3 months	15 days
Convict Overseer	Twelve months or more but not exceeding 18 months.	6 months	30 days
Convict Night Watchman	Do	4 months	20 days
Convict Overseer	Eighteen months or more but not exceeding 2 years.	8 months	40 days
Convict Night Watchman	Do	5 months	25 days
Convict Overseer	Two years or more but not exceeding three years.	12 months	80 days
Convict Night Watchman	Do	7 months	35 days
Convict Overseer	Three years or more but not exceeding five years.	16 months	100 days
Convict Night Watchman	Do	9 months	45 days
Convict Overseer	Four years or more but not exceeding five years.	20 months	120 days
Convict Night Watchman	Do	11 months	55 days
Convict Overseer	Five years or more but not exceeding 6 years.	24 months	160 days
Convict Night Watchman	Do	13 months	85 days
Convict Overseer	Six years or more but not exceeding 7 years.	28 months	180 days
Convict Night Watchman	Do	15 months	25 days
Convict Overseer	Seven years or more but not exceeding ten years.	40 months	260 days
Convict Night Watchman	Do	21 months	125 days
Convict Overseer	Ten years or more but not exceeding 14 years.	52 months	340 days
Convict Night Watchman	Do	27 months	175 days
Convict Overseer	Exceeding 14 years or imprisonment for life.	84 months	560 days
Convict Night Watchman	Do	60 months	400 days

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 9th August, 1963.

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